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Regular Session of 1978

Volume II

Held in the State Capitol in the Capital City of Frankfort, at
Frankfort, in the Year of Our Lord 1978, and
in the One Hundred and Eighty-sixth
Year of the Commonwealth

Begun on the Third Day of January, 1978, and Adjourned
Sine Die on the Eighteenth Day of March, 1978

Paid from State Funds

MONDAY, MARCH 6, 1978

FORTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Patrick Flynn, Hope Lutheran Church, Frankfort.

The roll was called. All members present.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Brinkley moved that the reading of the Journal of March 3, 1978, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 771, by Representative Kenton: AN ACT relating to home mortgages.

HB 772, by Representatives Brown, May, Brinkley and Stone: AN ACT relating to financial and program reporting.

HCR 111, by Representative Bendl: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the feasibility of establishing a state museum of fine arts.

HR 112, by Representative Tobin: A RESOLUTION commending Kentucky Educational Television for its coverage of the 1978 Session of the Kentucky General Assembly.

Senate Message

Announcing passage of **SB 145, SB 202, SB 223, SB 279, SB 285, SB 291, SB 292, SB 308, SB 311, SB 332, SB 348, SR 21, SR 32, SR 33, SR 34, SR 35, SR 36, SR 37, SR 38, SR 41,** and **SB 215.**

Reference of Bills and Resolutions

The Clerk announced the Committee on Committee has referred the following Bills and Resolutions:

Cities: **SB 251.**

Health and Welfare: **HB 769, HCR 110.**

Judiciary-Courts: **SB 284.**

Judiciary-Statutes: **HB 770.**

Public Utilities: **SB 138.**

State Government: **HB 768, SB 171.**

Report of Committees

The Committee on Appropriations and Revenue reported **HB 17** and **HB 546,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

HB 546, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 143.010 is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "Department" means "department of revenue."

(2) "Coal" means and includes any material composed predominantly of hydrocarbons in a solid state.

(3) "Severed," "severing," or "severance" means the physical removal of coal from the earth in this state.

(4) "Ton" means a short ton of 2,000 pounds. The number of tons shall be determined at the first point at which the coal is weighed.

(5) "Taxpayer" shall mean and include any individual, partnership, joint venture, association, or corporation engaged in severing *and/or processing* coal in this state. *In instances where contracts, either oral or written, are entered into whereby persons, organizations, or businesses are engaged to mine or process the coal but do not obtain title to or do not have an economic interest therein, the party who owns the coal or has an economic interest is the taxpayer.*

(6) "Gross value" is *synonymous with gross income from property as defined in section 613 (c) of the internal revenue code and regulations 1.613-3 and 1.613-4 in effect on December 31, 1977, with the exception that in all instances transportation expense (whether or not by common carrier) incurred in transporting coal shall not be considered as gross income from the property. Gross value is to be reported* [defined] as follows:

(a) For coal severed *and/or processed* and sold during a reporting period, gross value is the amount received or receivable by the taxpayer.

(b) For coal severed *and/or processed,* but not sold during a reporting period, gross value shall be determined as follows:

1. If the coal is to be sold under the terms of an existing contract, the contract price shall be used in computing gross value.

2. If there is no existing contract, the fair market value for that grade and quality of coal shall be used in computing gross value.

(c) In a transaction involving related parties, gross value shall not be less than the fair market value for coal of similar grade and quality.

(d) In the absence of a sale, gross value shall be the fair market value for coal of similar grade and quality.

(e) If severed coal is purchased for the purpose of processing and resale, the gross value is the amount received or receivable during the reporting period reduced by the amount paid or payable to the taxpayer actually severing the coal.

(f) If severed coal is purchased for the purpose of processing and consumption, the gross value is the fair market value of processed coal of similar grade and quality reduced by the amount paid or payable to the taxpayer actually severing the coal.

(g) In all instances, the gross value shall not be reduced by any taxes including the tax levied by KRS 143.020, royalties, sales commissions, or any other expense.

(7) "Reporting period" means the period for which each taxpayer must compute his tax liability and remit the tax due to the department. The reporting period shall be monthly. However, the department may, under certain conditions, authorize a quarterly reporting period.

(8) "Processing" includes cleaning, breaking, sizing, dust allaying, treating to prevent freezing, or loading for shipment.

(9) "Related party" means two (2) or more persons, organizations, or businesses owned or controlled directly or indirectly by the same interest. Control exists if a contract or lease, either written or oral, is entered into whereby one party mines or processes coal owned or held by another party and the owner or lessor participates in the mining, processing, or marketing of the coal or receives any value other than an arm's length passive royalty interest. In the case of related parties, the department may apportion or allocate the receipts between or among such persons, organizations, or businesses if it determines that such apportionment or allocation is necessary in order to more clearly reflect gross value.

(10) "Economic interest" for the purposes of this chapter is synonymous with the economic interest ownership required by internal revenue code section 611 in effect on December 31, 1977, entitling the taxpayer to a depletion deduction for income tax purposes with the exception that a party who only receives an arm's length royalty shall not be considered as having an economic interest.

(11) Transportation expense shall mean:

(a) The amount paid by a taxpayer to a third party for transporting coal from the mine mouth or pit to a processing plant, tipple, loading dock or customer provided that the transaction is at arm's length.

(b) The cost incurred by a taxpayer using his own facilities in transporting coal from the mine mouth or pit to a processing plant, tipple, loading dock, or customer.

(c) The cost incurred in transporting the coal for purpose of marketing.

(d) In no case shall transportation expenses include the cost of acquisition, improvements, or maintenance of real property; the cost of loading or unloading facilities.

Section 2. KRS 143.020 is amended to read as follows:

For the privilege of severing or processing coal, in addition to all other taxes imposed by law, a tax is hereby levied on every taxpayer engaged in severing and/or processing coal within this Commonwealth at the rate of four and one-half percent (4.50%) of the gross value of all coal severed and/or processed during the reporting period; except that the minimum tax for a reporting period shall be an amount determined by applying a rate of fifty cents (50¢) per ton to the total number of tons severed during the reporting period. The minimum tax shall not apply to a taxpayer who only processes coal [On and after July 1, 1976, in addition to all other taxes imposed by law, a severance tax is hereby levied on every taxpayer measured by the coal severed. The tax shall be four and one-half percent (4 1/2 %) of the gross value of all coal severed during the reporting period; except that the minimum severance tax liability for a reporting period shall be an amount determined by applying a rate of fifty cents (50¢) per ton to the total number of tons severed during the reporting period].

Section 3. KRS 143.030 is amended to read as follows:

(1) Every individual, partnership, joint venture, association, or corporation engaged in severing and/or processing coal shall, prior to July 1, 1978, or prior to severing and/or processing coal in this Commonwealth, file an application for a certificate of registration in such form as the department may prescribe. Every application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application [Prior to April 1, 1972, or prior to beginning coal severing operations in this state, each taxpayer shall file with the department an identification statement listing such information as the department may require].

(2) On or before the twentieth day of the month following the reporting period in which any coal is severed *and/or processed*, the taxpayer severing *and/or processing* such coal shall file with the department a tax return in such form as the department may require and remit the amount of the tax due. A tax return is required for each reporting period even though there may be no tax liability.

(3) Whenever any taxpayer fails to comply with any provisions of this chapter, or any rule or regulation of the department relating thereto, the department may order the suspension or revocation of the certificate of registration held by such taxpayer.

(4) Any taxpayer, including any officer of a corporation, who conducts a coal severing and/or processing operation in this state without obtaining a certificate of registration or after a certificate of registration has been suspended or revoked, shall be guilty of a misdemeanor and upon conviction therefor, shall be fined an amount not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or imprisoned for a period not to exceed six (6) months or both such fine and imprisonment.

Section 4. KRS 143.060 is amended to read as follows:

(1) As soon as practicable after each return is received, the department shall examine and audit it. If the amount of tax computed by the department is greater than the amount returned by the taxpayer, the excess shall be assessed within four years from the date the return was filed, except as provided in subsection (2), and except that in the case of a failure to file a return or of a fraudulent return, the excess may be assessed at any time. A notice of such assessment shall be mailed to the taxpayer. The time herein provided may be extended by agreement between the taxpayer and the department.

(2) For the purpose of *subsections* [subsection] (1) *and (4)*, a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

(3) Any final ruling, order or determination of the department with regard to the administration of this chapter may be reviewed only in the manner provided in KRS 131.110 and 131.310 to 131.370.

(4) Notwithstanding the four (4) year time limitation of subsection (1), in the case of a return where the taxpayer understates the gross value by twenty-five percent (25%) or more, the excess shall be assessed by the department within six (6) years from the date the return was filed.

Section 5. KRS 143.090 is amended to read as follows:

The department of transportation shall certify to the commissioner of the department of revenue by October 1 of each fiscal year the amount required for lease rental payments to the Kentucky turnpike authority for resource recovery road projects. Upon receiving such certification, the commissioner of the department of revenue shall cause said amount to be deposited from [severance tax] proceeds *of the tax levied by KRS 143.020* to the credit of the transportation fund (road fund). All [severance] tax *levied by KRS 143.020* collected in excess of the amount required to be deposited to the transportation fund (road fund) shall be deposited by the department of revenue to the credit of the general fund.

SECTION 6. A NEW SECTION OF KRS CHAPTER 143 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provisions of this chapter to the contrary, where the department finds that it would facilitate and expedite the collection of the tax imposed by this chapter, the department may authorize the taxpayer processing the coal to report and pay the tax which would be due from the taxpayer severing the coal. Authorization from the department shall be in the form of an agreement executed by the taxpayer processing the coal, the taxpayer severing the coal and the department. The agreement shall be in such form as the department may prescribe. The agreement must be signed by the owners if the taxpayers are natural persons; in the case of a partnership or association by a partner or member; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application. The director of the sales and severance tax division shall sign for the department. The agreement may be terminated by any party to the agreement upon giving thirty (30) days written notice to the other parties to the agreement; however, the department may terminate the agreement immediately upon written notice to the other parties when either the taxpayer processing the coal or the taxpayer severing the coal fails to comply with the terms of the agreement.

Section 7. The provisions of this Act shall become effective July 1, 1978.

The Committee on Appropriations and Revenue reported **HB 317, HB 349, HB 475, HB 504, HB 655, HB 718, HB 735, HB 760, HCR 83, HCR 99,** and **SB 184** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 317, AN ACT relating to real estate transfer taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 142.050 is amended to read as follows:

(1) As used in this section, unless the context otherwise requires:

(a) "Deed" means any document, instrument or writing (other than a will and other than a lease or easement), regardless of where made, executed or delivered whereby any real property in Kentucky, or any interest therein, is conveyed, vested, granted, bargained, sold, transferred or assigned.

(b) "Value" means

1. In the case of any deed not a gift, the amount of the full actual consideration therefor, paid or to be paid, including the amount of any lien or liens thereon; and

2. In the case of a gift, or any deed with nominal consideration or without stated consideration, the estimated price the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

(2) A tax upon the grantor named in the deed is imposed at the rate of fifty cents (50¢) for each $500 of value or fraction thereof, which value is declared in the deed upon the privilege of transferring title to real property.

(3)(a) If any deed evidencing a transfer of title subject to the tax herein imposed is offered for recordation, the county clerk shall ascertain and compute the amount of the tax due thereon and shall collect such amount as prerequisite to acceptance of the deed for recordation.

(b) The amount of tax shall be computed on the basis of the value of the transferred property as set forth in the deed.

(c) The tax required to be levied by this section shall be collected only once on each transaction and in the county in which the deed is required to be recorded by KRS 382.110 (1).

(4) The county clerk shall collect the amount due and certify the date of payment and the amount of collection on the deed. The county clerk shall retain 5 per cent as his fee for collection and remit the balance every three (3) months to the county treasurer, who shall deposit the money in the county general fund.

(5) The department of revenue may prescribe such rules and regulations as it may deem necessary to carry out the purposes of this section.

(6) Any county clerk who willfully shall record any deed upon which a tax is imposed by this section without collecting the proper amount of tax and certifying the date and amount of collection on the deed as required by this section based on the declared value indicated in the affidavit appended to such deed shall, upon conviction, be fined $50 for each offense.

(7) Any person who shall present for recording any deed which contains a false statement of the full actual consideration, or who shall execute an affidavit which contains a false statement of the full actual consideration or, in the case of a gift, the full estimated value of the property, shall, upon conviction, be

subject to a fine of not more than $100 or to imprisonment for not more than thirty (30) days or to both such fine and imprisonment for each offense.

(8) The tax imposed by this section shall not apply to a transfer of title:

(a) Recorded prior to March 27, 1968;

(b) To (in the event of a deed of gift or deed with nominal consideration) or from the United States of America, this state, any city or county within this state, of any instrumentality, agency, or subdivision hereof;

(c) Solely in order to provide or release security for a debt or obligation;

(d) Which confirms or corrects a deed previously recorded;

(e) Between husband and wife, or parent and child, with only nominal consideration therefor;

(f) On sale for delinquent taxes or assessments;

(g) On partition;

(h) Pursuant to mergers of corporations;

(i) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;

(j) Under a foreclosure proceeding*;*

(k) Between individuals and a corporation, with only nominal consideration therefor, if those individuals are the exclusive owners of that corporation.

HB 349, AN ACT relating to property valuation administrators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.590 is amended to read as follows:

(1) The compensation of the property valuation administrator shall be in accordance with the provisions of the following scale, which shall, in all respects, be equivalent to the grade classification for state employes as established by the department of personnel and subject to the provisions of subsection (4) of this section:

Assessed Value of Property of:		Grade
At Least	But Less Than	Classification
$5,000,000,000	-	22
2,000,000,000	$5,000,000,000	21
500,000,000	2,000,000,000	20
400,000,000	500,000,000	19
250,000,000	400,000,000	18
125,000,000	250,000,000	17
100,000,000	125,000,000	16
75,000,000	100,000,000	15
50,000,000	75,000,000	14
35,000,000	50,000,000	13
	35,000,000	12

Should a property valuation administrator for any reason vacate the office in any year during his term of office, he shall be paid only for the calendar days actually served during the year.

(2) The grade classification system provided in subsection (1) shall be determined on the basis of the total assessment of property subject to state tax as certified by the department of revenue, including the amount of assessment on which taxes are deferred under the provisions of the agricultural and horticultural land act, except that the amount of assessment of livestock and farm machinery shall be excluded in determining the grade classification.

(3) The provisions of this section shall be computed on the 1976 assessment and on each annual assessment thereafter.

(4) Each property valuation administrator shall upon taking office for the first time be placed in the first step in grade and shall annually, effective January 1 after serving no less than twelve months, be advanced one step in grade; except, that any person appointed or elected to fill a vacancy in the office of property valuation administrator shall be eligible for advancement one step in grade effective January 1 following completion of at least six months service. The department of revenue is authorized to make grade classification changes corresponding to any approved for department employes in comparable positions so long as such changes do not violate the integrity of the classification system and, except further, subject to availability of funds, that the department may extend cost-of-living increases approved for department employes to the property valuation administrators by advancement in grade.

(5) Deputy property valuation administrators and other authorized personnel likewise may be advanced one step in grade upon completion of twelve months continuous service and given such other benefits relating to reclassification of position or cost-of-living adjustments as are provided in subsection (4) for property valuation administrators.

(6) The property valuation administrator's office shall be allowed by the state as compensation for deputies, other authorized personnel, and for other authorized expenditures, one and one-quarter cents on each one hundred dollars of the property assessed, including the amount of assessment on which taxes are deferred under the agricultural and horticultural land act but exclusive of livestock and farm machinery, on the first two hundred fifty million dollars and one cent on each one hundred dollars of the property assessed over two hundred fifty million dollars; but the total sum allowed by the state to any property valuation administrator's office as compensation for deputies, other authorized personnel, and for other authorized expenditures shall not exceed the limits set forth in the following table:

Assessed Value of Property of:		
At Least	But Less Than	Limit
-	$ 300,000,000	$ 35,000
$ 300,000,000	500,000,000	50,000
500,000,000	2,000,000,000	100,000
2,000,000,000	-	The amount fixed by the department of revenue

However, each property valuation administrator's office shall be allowed as a minimum such funds that are required to meet the federal minimum wage requirements for one full time deputy. Each property valuation administrator shall submit each biennium to the department of revenue a budget for his office which shall be based upon the state, county and city funds available to his office and show the amount to be expended for deputy and other authorized personnel including employer's share of FICA and state retirement, and other authorized expenses of the office. Each property valuation administrator may appoint any persons approved by the department of revenue to assist him in the discharge of his duties. Each deputy must be more than twenty-one years of age and may be removed at the pleasure of the property valuation administrator. The salaries of deputies and other authorized personnel shall be fixed by the property valuation administrator in accordance with the grade classification system established by the department of revenue and shall be subject to the approval of the department of revenue. Any deputy property valuation administrator employed, or promoted to a higher position may be examined by the department of revenue in accordance with standards of the department of personnel, for the position to which he is being appointed or promoted. No state funds available to any property valuation administrator's office as compensation for deputies and other authorized personnel or for other authorized expenditures shall be paid without authorization of the department of revenue prior to the employment by the property valuation administrator of deputies or other authorized personnel or the incurring of other authorized expenditures.

(7) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the property valuation administrator as its cost for use of the assessment, as required by KRS 132.280 an amount determined as follows:

Assessment Subject to County Tax of:		
At Least	But Less Than	Amount
-	$100,000,000	$.005 for each $100 of the first $50,000,000 and $.002 for each $100 over $50,000,000.
$100,000,000	150,000,000	$.004 for each $100 of the first $100,000,000 and $.002 for each $100 over $100,000,000.
150,000,000	300,000,000	$.004 for each $100 of the first $150,000,000 and $.003 for each $100 over $150,000,000.
300,000,000	-	$.004 for each $100.

(8) The total sum to be paid by the fiscal court to any property valuation administrator's office under the provisions of subsection (7) of this section shall not exceed the limits set forth in the following table:

Assessed Value of Property Subject to County Tax of:		
At Least	But Less Than	Limit
-	$ 700,000,000	$ 25,000

$ 700,000,000	1,000,000,000	35,000
1,000,000,000	2,000,000,000	50,000
2,000,000,000	2,500,000,000	75,000
2,500,000,000	5,000,000,000	100,000
5,000,000,000	-	175,000125,000

This allowance shall be based on the assessment as of the previous January 1 and shall be used for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the property valuation administrator and his deputies and other authorized personnel, and other authorized expenses of the office.

(9) Each property valuation administrator shall at the end of each month file a claim with the fiscal court for the salaries of his deputies, other personnel, and other expenses of his office incurred during the month which are payable from county funds. The court shall order payment made provided the total of all claims filed with the court does not exceed the total sum available under this section. The property valuation administrator shall maintain a payroll record of all employes compensated from local funds derived from any taxing jurisdiction, file such record with the department of revenue and pay all funds withheld from employes compensation for federal FICA taxes, federal income taxes, state income taxes, state employes retirement, and all other required deductions, by the fifth day following the end of each month. During county election years the property valuation administrator shall not be allowed to expend in excess of forty percent of the allowances available to his office from county funds during the first five months of the fiscal year in which the general election is held.

(10) Any county funds appropriated under the provisions of this section but unexpended by the close of each fiscal year for which such funds are appropriated shall carry over and be added to the amount required to be appropriated for the next fiscal year except that the department of revenue may release such funds or any part thereof that the department deems not necessary for operations of the property valuation administrator's office.

(11) The provisions of this section shall apply to urban-county governments. In an urban-county government, all the rights and obligations conferred on fiscal courts by the provisions of this section, shall be exercised by the urban-county government.

(12) When an urban-county form of government is established through merger of existing city and county governments as provided in KRS Chapter 67A, the annual county assessment shall be presumed to have been adopted as if the city had exercised the option to adopt as provided in KRS 132.285, and the annual amount to be appropriated to the property valuation administrator's office shall be the combined amount that is required of the county under this section and that required of the city under KRS 132.285, except that the total shall not exceed one hundred thousand dollars ($100,000) for any urban-county government with an assessment subject to county wide tax of less than three billion dollars ($3,000,000,000), one hundred twenty-five thousand dollars ($125,000) for an urban-county government with an assessment subject to county-wide tax between three billion dollars ($3,000,000,000) and five billion dollars ($5,000,000,000) and two hundred thousand dollars ($200,000) for an urban-county government with an assessment subject to county-wide tax in excess of five billion dollars ($5,000,000,000). For purposes of this subsection the amount to be considered as the assessment for purposes of KRS 132.285 shall be the amount subject to taxation for full urban services.

HB 476, AN ACT relating to certificates of deposit.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 140.020 is amended to read as follows:

(1) The terms of this chapter shall apply to any property or interest therein, of which the decedent has made a transfer by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after death, including a transfer under which the transferor has retained for his life or any period not ending before his death (a) the possession or enjoyment of, or the income from the property; or (b) the actual or contingent power to designate the persons who shall possess the property or the income therefrom, except in the case of a bona fide sale for an adequate and full consideration in money or money's worth. It shall further apply to any property conveyed in trust over which the settlor has a power of revocation exercisable by will.

(2) Every transfer made within three (3) years prior to the death of the grantor, vendor or donor of a material part of his estate, or in the nature of a final disposition or distribution thereof, and without an adequate valuable consideration, shall be construed prima facie to have been made in contemplation of death within the meaning of this chapter. If a transfer was made more than three (3) years prior to the death of the decedent it shall be a question of fact, to be determined by the proper tribunal, whether the transfer was made in contemplation of death.

(3) There shall be no presumption of contemplation of death as to certificates of deposit jointly owned and all such certificates of deposit shall be taxed pursuant to KRS 140.050.

HB 504, AN ACT relating to legislative approval of state bond issuances and sales.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 56 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 56.495, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the board of the state college or of the university shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than 60 days prior to obligation of the state debt.

SECTION 2. A NEW SECTION OF KRS CHAPTER 56 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 56.520, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the commission shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than 60 days prior to obligation of the state debt.

SECTION 3. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 58.020, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, any department or agency of the state government shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than 60 days prior to obligation of the state debt.

SECTION 4. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 58.235, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the authority shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 5. A NEW SECTION OF KRS CHAPTER 151 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 151.420, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the authority shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 4. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 58.235, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipating notes, loan agreements or by any other means, the authority shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 5. A NEW SECTION OF KRS CHAPTER 151 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 151.420, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the authority shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 6. A NEW SECTION OF KRS CHAPTER 175 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 175.500, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the authority shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 7. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 177.450, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the bureau shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the

governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 8. A NEW SECTION OF KRS CHAPTER 180 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 180.070, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the bureau shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 9. A NEW SECTION OF KRS CHAPTER 198A IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 198A.090, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the corporation shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 10. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 216.813, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the authority shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 11. A NEW SECTION OF KRS CHAPTER 224A IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 224A.120, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the authority shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 12. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 247.180, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the state fair board shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 13. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 65.270, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, any agency of the state government shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 14. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 117.415 and 117.425, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the commission shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 15. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 150.610, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the department shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 16. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 164.860, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the board of trustees shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

SECTION 27. A NEW SECTION OF KRS CHAPTER 183 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 183.630, prior to the issuance and sale of definitive bonds or temporary bonds, or the securing of interim financing through bond anticipation notes, loan agreements or by any other means, the department shall first obtain approval of the general assembly sitting in regular or special session. This approval shall be by a joint resolution, which shall identify the project to be funded as well as the source and amount of funds, and by appropriation of the first year's debt service.

(2) The provisions of paragraph (1) of this section shall not apply when the project for which funds are sought is certified to produce revenues sufficient to fully meet debt service so that no appropriation of state funds will be required. Such certification shall be made in writing by the commissioner of the executive department for finance and administration to the head of the issuing agency or authority with a copy to the governor and the legislative research commission. The certification shall be submitted not more than sixty (60) days prior to obligation of the state debt.

HB 655, AN ACT relating to taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.500 is amended to read as follows:

(1) School taxes shall be collected by the sheriff for county school districts and by the regular tax collector of the city or special tax collector for the independent school districts at the same time and in the same manner as other local taxes are collected, except as provided in this section and in KRS 160.510 *and 160.625*. The bond of the regular or special tax collector shall be made to cover his duties as the tax collector of the school district or districts for which he collects taxes. The tax collector shall be entitled to a fee equal to his expense but not to exceed the rate of four per cent (4%) for the collection of school taxes, which fee may be charged only for collecting or receiving school taxes or school funds received from the local school levy. No allowance shall be made for the collection of school taxes to any collecting officer who continues to collect taxes after his term that would not be allowed him had he collected the taxes during his term.

(2) An independent school district may select a special tax collector to collect its school taxes, and in the event such independent school district does so select a special tax collector, a majority of the members of the independent school district board of education shall fix a fee for such special tax collector at a rate of not more than four per cent (4%) of the school taxes or school funds collected by such special tax collector from the local school levy in such independent school district. The special tax collector shall be required to execute bond in the same manner as provided in KRS 160.560 for the execution of a treasurer's bond, and the penal sum of the bond shall not be less than the aggregate of the tax bills that come into the hands of the special tax collector.

(3) The clerk shall include all school taxes, *except the tax authorized by KRS 160.625,* on the regular tax bills furnished the tax collector except in case an independent district has selected a special tax collector, in which case the school taxes shall be listed by the clerk on a separate bill. The clerk shall be allowed a fee not to exceed three cents (3¢) for each separate school tax bill, to be paid by the independent district board of education.

Section 2. KRS 160.520 is amended to read as follows:

The laws applying to penalties on and the collection of delinquent school taxes shall be the same as the general laws applying to penalties on and the collection of delinquent taxes of the taxing districts which embrace the various school districts *except as provided in Section 2 of KRS 160.625.*

Section 3. KRS 160.597 is amended to read as follows:

Any school tax authorized by KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648 may be recalled as follows:

(1) The order or resolution levying any of the school taxes designated heretofore in this section shall go into effect not less than thirty (30) days nor more than ninety (90) days after its passage *except for the tax authorized by KRS 160.621, which shall become effective on January 1 following its passage.* If during the thirty (30) days immediately following the passage of the order or resolution a petition signed by a number of registered and qualified voters equal to fifteen per cent (15%) of the votes cast in the school district or combined taxing district levying the tax for the office receiving the greatest total vote at the last preceding presidential election is presented to the school board protesting against passage of the order or resolution, the order or resolution shall be suspended from going into effect for that district until after the election provided for in subsection (2) of this section. Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, number or designation of the district or ward wherein the precinct is situated. Each voter shall sign his name in the same manner as he signed the current registration form described in

KRS 116.153 or subsection (2) of KRS 116.045, as the case may be. If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it. One or more persons shall verify by affidavit the signatures and addresses of the signers of the petition. The board or boards of registration in the county shall provide necessary and appropriate aid to the school board or boards so that the latter may make the determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

(2) Thereupon, if it has been determined that the petition contains enough valid signatures to suspend the effect of the order or resolution, the county board of elections shall submit to the voters of the school district in which a valid recall petition has been filed pursuant to subsection (1) of this section at the next regular November election the question as to whether the tax shall be levied. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast in a district or combined taxing district upon the question oppose its passage, the order or resolution shall not go into effect in that district or combined taxing district. If a majority of the votes cast in a district or combined taxing district upon the question favor its passage, the order or resolution shall go into effect in that district. In the event that the election is to be held in more than one (1) school district within a county the votes shall be counted separately.

Section 4. KRS 160.625 is amended to read as follows:

(1) The school tax authorized by KRS 160.621 shall be *collected by the Kentucky department of revenue* [self-assessing. Each county resident paying state individual income taxes under KRS chapter 141 shall file, on or before July 1 of each year for calendar year taxpayers and six (6) months after the close of the tax year for all other taxpayers, with the proper tax collecter a return showing his state individual income tax liability and the amount of county school tax due]. This school tax shall be remitted with the *individual's Kentucky income tax return* [and shall be delinquent six (6) months after the close of the individual's tax year. The district board of education shall furnish the necessary tax returns for the administration of this school tax].

(2) The tax shall be reported and submitted on forms prescribed by the department of revenue. The tax shall be considered delinquent and the assessment of tax deficiencies, penalties, and interest shall be assessed in the same manner as provided by KRS Chapter 141 governing the payment of individual incomes taxes.

(3) School tax funds collected by the department of revenue under this Act shall be held in a separate account and all taxes collected in any one (1) month shall be returned to the local school district on or before the tenth day of the following month.

SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) After compliance with all statutory requirements, including notices, hearings and the disposition of any recall petition, the district school board shall notify the department of revenue of the enactment of the tax authorized by KRS 160.621. Notification shall include the effective date, the rate of assessment, and the name of the county assessing the tax.

(2) Any change related to the levying of this tax, including a change in the rate, shall become effective on January 1 following the approval of the change by the board of education. Such change shall be reported to the department of revenue prior to the date it beomces effective.

Section 6. KRS 160.627, Department of revenue to furnish information as to individual income, is repealed.

HB 718, AN ACT relating to county officials.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.350 is amended to read as follows:

The county clerk shall, upon the filing of a statement by an agent, accountant or attorney of the department of revenue for the assessment of omitted property, enter the name of the person signing the statement as attorney for the department, and enter the name of the county attorney as attorney for the state, county, school and other taxing districts for which the commissioner of revenue is authorized to act as relator in such proceeding. The county attorney shall appear and prosecute or assist in the prosecuting of the proceeding in all the courts to which it may be taken for trial. *If there is a judgment assessing the property for taxation, the judgment in each case shall recite whether or not the county attorney was present and assisted in the trial of the proceeding. When he is present and assists in the proceeding he shall be allowed as compensation for his services ten percent (10%) of the amount of state and county taxes assessed and collected pursuant to the judgment. The state and county shall be liable respectively for the payment only of the percentage allowance of compensation to the county attorney on the amount that each collects, and this* *shall be paid to the county attorney within thirty (30) days after the collection of the taxes, and charged against the fund to which the tax was credited.*

Section 2. KRS 134.340 is amended to read as follows:

(1) The sheriff shall, when he collects money from a delinquent taxpayer, record the tax, interest and penalty on his record book kept for that purpose.

(2) If the sheriff fails to record the money collected from a delinquent taxpayer, or fails to collect the tax due from a delinquent taxpayer if it was collectible by sale or otherwise when it came to his hands, he shall be held liable on his bond for the amount of tax, penalties, interest and costs due from the delinquent taxpayer that was collectible, plus thirty per cent (30%) penalty thereon, to be recovered in the circuit court of the county in which the tax is due, on motion of the county attorney or agent of the department of revenue in the name of the state. The county attorney shall prosecute all such motions, *for which services he shall be entitled to the penalties thereon recovered of the sheriff, but only if the tax, interest, costs, and penalties due are recovered and paid to the officers entitled to receive the same.* The sheriff shall have ten (10) days' previous notice of the motion.

Section 3. KRS 134.400 is amended to read as follows:

(1) All penalties imposed by law, either in whole or in part, in favor of or for the benefit of agents of the department of revenue, sheriffs and other state, county or district agents or officers, upon or for the recovery of taxes or the assessment of omitted property, shall be paid into the state treasury and credited as provided for the twenty per cent (20%) penalty in subsection (2) of this section.

(2) The twenty per cent (20%) penalty collected on taxes due the state, county, school or other taxing district shall be paid into the state treasury. One-fourth (1/4) of the moneys thus received shall be credited to the general expenditure fund. The remaining three-fourths (3/4) shall also be credited to the general expenditure fund unless the general assembly, in its biennial appropriation act, provides that it be credited to a fund to be designated and known as the delinquent tax fund, in which case it shall be so credited and so much thereof as may be necessary shall be used for the administration and enforcement of the laws relating to the collection of delinquent taxes and the assessment of omitted property. All salaries, fees and expenses authorized by the laws relating to the collection of delinquent taxes and the assessment of omitted property, *except the fees of county attorneys,* shall be payable out of the delinquent tax fund upon certifications or requisitions of the commissioner of revenue.

Section 4. KRS 134.500 is amended to read as follows:

(1) Within fifty (50) days after the issuance of a certificate of tax delinquency to the state, county and taxing district, the county attorney shall cause a notice of the purchase to be served by the sheriff on the person in whose name the property was assessed, and advise him that the certificate is a lien of record against his land that bears interest at twelve per cent (12%) per annum, and if not paid the county attorney will proceed as provided by law to collect same. A copy of the return of the sheriff shall be filed in the office of the county clerk in the manner prescribed by the department of revenue. Failure to prepare such notice shall not affect the validity of the claim of the state, county and taxing district.

(2) The county attorney shall prosecute the remedy or remedies provided in this chapter that are most likely to effect collection of the amount due on the certificate of delinquency. Upon the failure of the county attorney to give the notices provided in this section, or to prosecute the remedies for collection of certificates within twelve (12) months after the right to collect accrued, or to duly complete the performance of any other duties necessary to collect the claims of the state, county and taxing districts for taxes, the department of revenue may perform such duties.

(3) *The county attorney who prepares the notice and has it filed, as provided in subsection (1) of this section, and performs his other duties in respect to the certificate of delinquency, shall be entitled to twenty percent (20%) of the amount due each taxing unit, whether the tax claim is voluntarily paid or is paid through sale or under court order, and such commission shall be paid to him by the county clerk when making distribution, as provided in KRS 134.480. If more than one (1) county attorney renders necessary services in an effort to collect a tax claim, the attorney serving the last notice or rendering the last substantial service preceding collection shall be entitled to the commission on the amount collected for each taxing unit.* When the department performs the duties of the county attorney without his assistance or cooperation, *the fee which would otherwise be paid the county attorney* [twenty percent (20%) of the amount due each taxing unit, whether the tax claim is voluntarily paid or is paid through sale or under court order,] shall be paid to the department for deposit in the delinquent tax fund provided for under KRS 134.400.

(4) Any action on behalf of the state, county and taxing districts authorized by this section or by KRS 134.470, 134.490 or 134.540 must be filed on relation of the commissioner of revenue, and the petition shall be sent to the department, which may require revision thereof in instances where it deems revision or amendment necessary. The department shall advise the county attorney in all such actions, and may send him special

assistance when the commissioner deems such assistance necessary. A copy of the judgment shall also be sent to the department. *If the department sends assistance to a county attorney who cooperates in prosecuting the suits or proceedings, the county attorney shall be entitled to his full fee.* On the same day that suit is filed the county clerk shall be given notice of its filing. Costs incident to the suit shall become a part of the tax claim.

Section 5. KRS 134.540 is amended to read as follows:

(1) When the department of revenue has reason to believe that any sale made under the authority of section 32 of Article VIII of chapter 22 of the Acts of 1906, or section 3 of chapter 43 of the Acts of 1908, or section 2 or 5 of chapter 21 of the Acts of the first Extraordinary Session of 1938, is for any reason invalid, the invalidity may be alleged in an action to establish the lien provided for in chapter 152 of the Acts of 1934. The action shall be brought on the relation of the commissioner of revenue, who shall publish notice on the courthouse door for fourteen (14) days before instituting the action, notifying all delinquents that actions will be instituted unless the delinquent taxes against land subject to such actions are paid at once. If the owner does not redeem the land within ten (10) days after the expiration of the fourteen (14) day period, and the commissioner is required to institute action, the state shall be entitled to a fee equal to fifteen per cent (15%) of the amount of the taxes, penalties and interest, which shall be paid into the delinquent tax fund provided under KRS 134.400, to be used by the department of revenue to cover the expenses of filing and administering such actions. If the property is redeemed after action is instituted, the fee shall become a part of the redemption price. The commissioner may, if he deems necessary, institute action without giving the notice provided in this section, in which event the fifteen per cent (15%) fee shall not apply.

(2) The county attorney shall assist the department of revenue in filing and prosecuting the actions. *For these services he shall be entitled to twenty percent (20%) of the taxes, penalties and interest. If he fails or refuses to assist in filing and prosecuting the actions, he shall not be entitled to this fee.*

(3) An action shall not be instituted on behalf of the state to establish the lien provided for in chapter 152 of the Acts of 1934 until after the expiration of the time that must expire before action to recover possession can be instituted.

Section 6. KRS 135.040 is amended to read as follows:

(1) On the return of "no property found" on an execution issued upon a judgment in favor of the state, the department of revenue may institute equitable proceedings in the Franklin Circuit Court or any other court of competent jurisdiction, in the name of the state and on the relation of the commissioner of revenue. The choses in action or other equitable estate of the delinquent shall be subjected to the payment of the amount due on any such execution.

(2) On the return to the fiscal court of any tax bill as uncollectible, a like suit may be instituted in the name of the state on the relation of the commissioner of revenue in any court of competent jurisdiction, and the choses in action or other equitable estate of the delinquent may be subjected to the amount due on any such tax bill. In such proceedings attachment may issue and other proceedings may be taken as are authorized on the return of "no property found" on an execution in favor of individuals.

(3) The county attorneys of the respective counties shall assist the department of revenue in prosecuting the actions mentioned in this section.

(4) No action shall be maintained under the provisions of subsection (1) of this section when the last execution issued has been returned "no property found" more than ten (10) years before the institution of the action, nor shall an action be maintained on the uncollectible tax bill under the provisions of subsection (2) of this section more than five (5) years after the date of the return by the sheriff or collector.

(5) Every person against whom an execution has been returned "no property found" and upon which an equitable action is instituted, as provided in subsection (1) of this section, shall be liable for a penalty of twenty per cent (20%) of the amount due on the execution. The penalty may be recovered in the action, with the amount due on the execution. The penalty shall go to the delinquent tax fund provided for under KRS 134.400, *unless the county attorney assists in the prosecution, in which case one-half (1/2) shall go to him.*

HB 735, AN ACT relating to the energy road fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 177.960 is amended to read as follows:

(1) There is hereby created an energy road fund, hereinafter referred to as the "fund", in the state treasury to be administered by the department of transportation. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used for the construction of public roads or for any other activities administered by the department of transportation including the construction or reconstruction, repair and

maintenance of any public highway, road, street or bridge only in "coal *transporting* [producing] counties" as defined in subsection (3) of this section.

(3) As used in this section, "coal *transporting* [producing] county" shall mean a county in which coal *is regularly transported over public highways, roads, or streets which are part of the official state coal road system. The department of transportation shall routinely monitor the use of public highways, roads, and streets and identify those public facilities which are regularly used in the transportation of coal. By August 1 of each year, the department of transportation shall publish a map representing the official state coal road system which shall consist of all public highways, roads, and streets over which significant amounts of coal have been regularly transported during the immediately preceding fiscal year, and the department shall simultaneously calculate and publish the official coal road mileage within each county of the Commonwealth* [was severed within the meaning of Chapter 142 of the Kentucky Revised Statutes and upon which severance the tax applicable thereto was reported and remitted prior to January 1, 1976].

(4) By August 15 *of each year* [, 1976 for fiscal year 1976-77, and by August 15, 1977 for fiscal year 1977-78], the commissioner of the executive department for finance and administration shall notify the secretary of the department of transportation and the fiscal court of each coal *transporting* [producing] county of the total amount in the fund available for expenditure within each such county, which shall be calculated for each fiscal year of the biennium by multiplying the total amount appropriated to or otherwise received by the fund by a fraction the numerator of which shall be the total *miles of official coal roads* [tons of coal severed] in each coal *transporting* [producing] county and the denominator of which shall be the total *miles of official coal roads* [tons of coal severed] in all coal *transporting* [producing] counties during the fiscal year next preceding that for which allocations of the fund are made. *The determination of county coal road mileage shall be based upon the most recent official state coal road system as identified and published by the department of transportation.*

(5) Any balance remaining in the fund at the close of the *first* fiscal year *of the biennium* [1976-77] shall not lapse, but shall continue into *the second* fiscal year *of the biennium* [1977-78].

(6) Within thirty (30) days thereafter the bureau of highways shall consult with the fiscal courts of each coal *transporting* [producing] county for the purpose of receiving recommendations from said fiscal courts for the selection of public roads, highways, streets and bridges for construction, reconstruction, repair and maintenance as provided in KRS 177.330, 177.340 and 177.350, provided, however, that nothing herein shall be construed to limit expenditures from the fund upon secondary and rural roads.

HB 760, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half cents (31-1/2 ¢) upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, *and one and one-half cents (1-1/2 ¢) upon each one hundred dollars ($100) of value of all privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 directed to be assessed for taxation,* and one and one-half cents (1-1/2 ¢) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five cents (25¢) upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half cents (1-1/2 ¢) upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowls, fifteen cents (15¢) upon machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, fifteen cents (15¢) upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen cents (15¢) upon property which has been certified as a pollution control facility as defined in KRS 224.850, and forty-five cents (45¢) upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) Effective on and after January 1, 1968, an annual ad valorem tax for state purposes of one and one-half cents (1$TH1/2 ¢) upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, as defined in KRS 141.205(3), and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten per cent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) Effective on and after January 1, 1977, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of thirty-one and one-half cents (31-1/2 ¢) per one hundred dollars of assessed value.

Section 2. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation;

(2) Livestock and domestic fowls;

(3) Capital stock of savings and loan associations;

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;

(5) Commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna; however, radio or television towers not essential to the production of the wave or signal broadcast shall not be included;

(6) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half cents (1 1/2 ¢) on each $100 of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half cents (4 1/2 ¢) on each $100 of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(7) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies;

(8) *All privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103;*

(9) Property which has been certified as a pollution control facility as defined in KRS 224.850;

(10) [(9)] On and after January 1, 1977, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests;

(11) [(10)] On and after January 1, 1977, the assessed value of unmined coal shall be included in the formula contained in KRS 132.590(2) in determining the amount of county appropriation to the office of the property valuation administrator.

Section 3. This Act shall be effective for purposes of assessment periods ending after December 31, 1977.

Section 4. Whereas, the recent Kentucky Supreme Court decision, providing that privately-owned leasehold interest in real estate owned by a tax-exempt governmental unit is taxable on the value of the leasehold, will result in the possibility of an exodus of industry from the Commonwealth, as well as the discouragement of new industry coming into this Commonwealth, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

HCR 83, A CONCURRENT RESOLUTION directing a study of the fiscal impact of the Kentucky coal industry.

WHEREAS, coal is one of Kentucky's major industries in terms of income produced, employment created and tax revenue generated; and

WHEREAS, effective planning and policy decision making requires an understanding of the mechanics and implications of coal production as it affects state and county revenues and expenditures; and

WHEREAS, previous financial studies of the Kentucky coal industry have focused primarily pure economic aspects without seriously considering the fiscal impact on state and local governments; and

WHEREAS, the General Assembly repeatedly faces difficult policy decision on the coal industry and is in great need of detailed fiscal knowledge of the industry to better understand the implications of various policy options; and

WHEREAS, it can be anticipated that the 1980 General Assembly, in view of the planned expansion of the coal industry, not only have reviewed previous policy decisions but also will be faced with new problems and decisions;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to conduct a detailed analysis of the fiscal impact of the coal industry in Kentucky. This analysis shall include, but not necessarily be limited to, the following:

(1) The impact on state revenues and expenditures;
(2) The impact on local revenues and expenditures; and
(3) A review of current local, state and federal requirements and restrictions having direct fiscal implications.

Section 2. The Commission shall report its findings and recommendations to the appropriate interim committee no later than June 30, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $30,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsiblities of the Commission.

HCR 99, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the feasibility of eliminating local property taxes in the financing of elementary and secondary education in the Commonwealth.

WHEREAS, a portion of the financing of elementary and secondary education in the Commonwealth of Kentucky is derived from local property taxes; and

WHEREAS, property owners receive no more benefits from education than those who do not own property; and

WHEREAS, therefore, the burden of financing elementary and secondary education in the Commonwealth falls inequitably on the property owner; and

WHEREAS, local property taxes as a means of financing elementary and secondary education has been declared unconstitutional in several states;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to conduct a study of the feasibility of eliminating local property taxes as a means of financing elementary and secondary education.

Section 2. The results of the study along with any recommendations shall be reported to the appropriate interim joint committee not later than June 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $12,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

SB 184, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 96.820 is amended to read as follows:

(1) For the purposes of this section, unless the context requires otherwise:

(a) "Taxing jurisdiction" shall mean each county, each school district, each municipality, and each other special taxing district located within the state.

(b) "State" shall mean the Commonwealth of Kentucky.

(c) "Tax equivalent" shall mean the amount in lieu of taxes computed according to this section which is required to be paid by each board to the state and to each taxing jurisdiction in which the board operates and required by subsection (11) of KRS 96.570 to be included in resale rates.

(d) "Tax year" shall mean the twelve-calendar-month period ending with December 31.

(e) "Current tax rate" shall mean the actual levied ad valorem property tax rate of the state and of each taxing jurisdiction which is applicable to all property of the same class as a board's property subject to taxation for the tax year involved.

(f) "Book value of property" or "book value of property owned by the board" shall mean the sum of

1. The orginal cost (less reasonable depreciation or retirement reserve) of a board's electric plant in service on December 31 of the immediately preceding calendar year located within the state, used and held for use in the transmission, distribution, and generation of electric energy, and

2. The cost of the material and supplies owned by a board on December 31 of the immediately preceding calendar year. For the purpose of this definition, "electric plant in service" shall mean those items included in the "electric plant in service" account prescribed by the federal power commission uniform system of accounts for electric utilities, and "material and supplies" shall mean those items included in the accounts grouped under the heading "material and supplies" in the said system of accounts.

(g) "Adjusted book value of property" or "adjusted book value of property owned by the board" shall mean the book value of property owned by the board excluding manufacturing machinery as interpreted by the department of revenue for franchise tax determination purposes.

(h) The "adjustment factor" shall be 125 per cent for the tax year 1970. For each tax year thereafter, it shall be the duty of the department of revenue to compute the adjustment factor for that tax year as follows: For each 5 percentage points or major fraction thereof by which the adjustment ratio for electric utility property for the immediately preceding tax year exceeded or was less than 116 per cent, 5 percentage points shall be added to or subtracted from 125 per cent. For the purposes of this computation, "adjustment ratio for electric utility property" shall mean the ratio of total assessed value to total property value for all public service corporations distributing electric energy to more than 50,000 retail electric customers within the state. "Total assessed value" shall mean the total actual cash value assigned by the department of revenue for ad valorem property tax purposes to the property of such corporations located within the state (properly adjusted for property under construction). "Total property value" shall mean the sum of

1. The depreciated original cost of the total utility plant in service of such corporations within the state, and

2. The book value of material and supplies of such corporations located within the state, both as derived from published reports of the federal power commission, or in the absence thereof, from information provided to the department of revenue by such corporations.

(i) "Electric operations" shall mean all activities associated with the establishment, development, administration, and operation of any electric system and the supplying of electric energy and associated services to the public, including without limitation the generation, purchase, sale, and resale of electric energy and the purchase, use, and consumption thereof by ultimate consumers.

(2) It shall be the duty of each board, on or before April 29, 1970, and on or before March 31 of each succeeding tax year, to certify to the department of revenue the book value of property owned by the board and the adjusted book value of property owned by the board and located within the state and within each taxing jurisdiction in which the board operates. A copy of such certification shall also be sent by the board to each such taxing jurisdiction. Said book value of property and adjusted book value of property shall be determined, and the books and records of the board shall be kept in accordance with standard accounting practices, and the books and records of each board shall be subject to inspection by the department of revenue and by representatives of the affected taxing jurisdictions and to adjustment by the department of revenue if

found not to comply with the provisions of this sentence. Upon the receipt of the required certification from a board, the department of revenue shall make such inspection and adjustment, hereinabove authorized, as it deems necessary, and no earlier than September 1 of each year the department of revenue shall certify to the board and to the county court clerk of each county in which the board operates the book value of property owned by the board and the adjusted book value of property owned by the board, located within each taxing jurisdiction in which the board operates and within the state. At the same time, the department of revenue shall certify to the board and to the said county court clerk the adjustment factor for the tax year. The said county court clerk shall promptly certify the book value of property, the adjusted book value of property, and the adjustment factor certified by the department of revenue, to the respective taxing jurisdiction in which the board operates.

(3)(a) Each board shall pay for each tax year, beginning with the tax year 1970, to the state and to each taxing jurisdiction in which the board operates, a tax equivalent from the revenues derived from the board's electric operations for that tax year, computed according to this subsection.

(b) The tax equivalent for each tax year payable to the state shall be the total of

1. The book value of the property owned by the board within the state, multiplied by the adjustment factor, multiplied by the current tax rate of the state, *less thirty cents ($.30)* plus

2. The state's portion of the amount payable under paragraph (d) of this subsection.

(c) The tax equivalent for each tax year payable to each taxing jurisdiction in which the board operates shall be the total of

1. The adjusted book value of property owned by the board within the taxing jurisdiction, multiplied by the adjustment factor, multiplied by the current tax rate of the taxing jurisdiction, *provided however, for the purpose of this calculation the tax rate for school districts shall be increased by thirty cents ($.30),* plus

2. The taxing jurisdiction's portion of the amount payable under paragraph (d) of this subsection.

(d) For purposes of this subsection, "amount payable" shall mean four-tenths of one per cent (.4%) of the book value of property owned by the board located within the state. The state shall be paid the same proportion of the amount payable as the payment to the state under subparagraph 1 of paragraph (b) of this subsection represents of the total payments to the state and all taxing jurisdictions in which the board operates required by subparagraph 1 of paragraph (b) and subparagraph 1 of paragraph (c) of this subsection. Each taxing jurisdiction in which the board operates shall be paid the same proportion of the amount payable as the payment to the taxing jurisdiction under subparagraph 1 of paragraph (c) of this subsection represents of the total payments to the state and all taxing jurisdictions in which the board operates required by subparagraph 1 of paragraph (b) and subparagraph 1 of paragraph (c) of this subsection. Under such regulations as the department of revenue may prescribe, upon the board's receipt from the state and taxing jurisdictions of notice of the amount due under subparagraph 1 of paragraph (b) and subparagraph 1 of paragraph (c) of this subsection, the board shall compute the portion of the amount payable which is due the state and each taxing jurisdiction in which the board operates.

(e) Payment of the tax equivalent under this section for each tax year shall be made by each board to the state within thirty (30) days after receipt by the board of the certification from the department of revenue required by subsection (2) of this section and shall be made directly to each taxing jurisdiction in which the board operates within thirty (30) days from the date of the certifications by the county court clerk required by subsection (2) of this section. The state and each taxing jurisdiction in which a board operates shall have a superior lien upon the proceeds of the sale of electric energy by that board for the amounts required by this section to be paid to it.

(4) Except as hereinafter provided the tax equivalents computed under this section shall be in lieu of all state, municipal, county, school district, special taxing district, other taxing district, and other state and local taxes or charges on the tangible and intangible property, the income, franchises, rights, and resources of every kind and description of any municipal electric system operating under KRS 96.550 to 96.900 and on the electric operations of any board established pursuant thereto, and the tax equivalent for any tax year computed and payable under this section to the state or to any taxing jurisdiction in which any board operates shall be reduced by the aggregate amount of any tax or charge within the meaning of this sentence which is imposed by the state, or by any taxing jurisdiction in which a board operates, on the board, the electric system, or the board's electric operations. Provided, however, that if any school district in which property of a board is located has elected, or does hereafter elect, to apply the utility gross receipts license tax for schools to all utility services as provided by KRS 160.613 through KRS 160.617, or as may hereafter be provided by other statutes, the amount of such utility gross receipts license tax shall not reduce, or in any manner affect, the amount payable to any such board or boards under the provisions of this section. It is the intent and purpose of this provision to eliminate all sums received by any such board or boards by reason of the utility gross receipts license tax from any computation of the amount payable under this section to any such board or boards, irrespective of the manner in which such payment is computed, so that, in no event, shall any sum received by any school district by reason of the utility gross receipts license tax reduce, directly or indirectly, the amount payable to such district under this chapter. Provided, further, That if the state shall levy a

statewide retail sales or use tax on electric power or energy, collected by retailers of such energy from the vendees or users thereof, and imposed at the same rate or rates as are generally applicable to the sale or use of personal property or services, including natural or artificial gas, fuel oil, and coal as well as electric power or energy, such retail sales or use tax shall not be deemed to be a tax or charge within the meaning of the first sentence of this subsection, and the tax equivalent payable for the tax year to the state under this section shall not be reduced on account of such retail sales or use tax.

(5)(a) Notwithstanding subsection (3) of this section, until the first tax year in which the total of

1. The tax equivalent payable to the state, or to any taxing jurisdiction in which the board operates, computed under subsection (3) of this section, plus

2. The additional amounts permitted to be paid to the state or taxing jurisdiction without deduction under the second and third sentences of subsection (4) of this section, exceeds the minimum payment to the state or taxing jurisdiction specified in paragraph (b) of this subsection, the tax equivalent for each tax year payable to the state or taxing jurisdiction shall be an amount equal to the minimum payment computed under paragraph (b) of this subsection.

(b) For purposes of this subsection, the minimum payment to the state or to any taxing jurisdiction in which the board operates shall mean an amount equal to the total of

1. The largest actual payment made by the board pursuant to KRS 96.820 to the state or to the taxing jurisdiction for any of the tax years 1964, 1965, or 1966, plus

2. The state's or taxing jurisdiction's pro rata share of an amount equal to four-tenths of one per cent (.4%) of the increase since July 1, 1964, in the book value of property owned by the board within the state. For the purposes of this paragraph "pro rata share" shall mean the same proportion of the amount computed under subparagraph 2. of this paragraph as the largest actual payment in lieu of taxes made by the board to the state or taxing jurisdiction for the applicable tax year under subparagraph 1. of this paragraph represents of the total amount of the largest actual payments in lieu of taxes made by the board to the state and to all taxing jurisdictions in which it operated for any of such applicable tax years.

(c) The provisions of paragraph (e) of subsection (3) of this section shall apply to all payments required under this subsection.

(d) This subsection shall not be applicable for the first tax year specified in paragraph (a) of this subsection or for any tax year thereafter, *except however, that tax year 1977 shall not be deemed as the "first tax year" as specified in paragraph (a) and this subsection shall continue to apply in such cases.*

(6) The general assembly hereby recognizes that a dispute has arisen concerning the validity, terms, and effects of the amendments to KRS 96.820 in the 1968 regular session of the general assembly and that this dispute has resulted in litigation concerning tax equivalents due for the tax years 1968 and 1969.

(7) The general assembly hereby declares its intention that any taxing jurisdiction and any board, whether or not a party to such litigation, may enter into a binding compromise settlement agreement under which the board may pay and the taxing jurisdiction may accept in full discharge of the board's tax equivalent payment obligations for each of the tax years 1968 and 1969 such amount as they may agree upon, not less than the payment made by the board to the taxing jurisdiction for the tax year 1965, and not more than 120 per cent of the largest payment made by the board to the taxing jurisdiction for any one (1) of the tax years 1964, 1965, or 1966. All amounts heretofore paid for the tax years 1968 and 1969 by the respective boards shall be credited against and deducted from the amounts payable under any such agreements.

Section 2. KRS 96.895 is amended to read as follows:

(1) Except for payments made directly by the Tennessee Valley Authority to counties, the total fiscal year payment received by the Commonwealth of Kentucky from the Tennessee Valley Authority, as authorized by section 13 of the Tennessee Valley Authority Act as amended, shall be prorated thirty per cent (30%) to the general fund of the commonwealth and seventy per cent (70%) among counties, cities, and school districts as provided in subsection (2) of this section.

(2) The payment to each county, city, and school district shall be determined by the proportion that the book value of Tennessee Valley Authority property in such taxing district, multiplied by the current tax rate, bears to the total of the book values of Tennessee Valley Authority property in all such taxing districts in the commonwealth, multiplied by their respective tax rates, *provided, however, each public school district for the purposes of this calculation shall have their tax rate increased by thirty (30) cents.*

(3) As soon as practicable after the amount of payment to be made to the Commonwealth of Kentucky is finally determined by the Tennessee Valley Authority, the Kentucky department of revenue shall determine the book value of Tennessee Valley Authority property in each county, city, and school district and shall prorate the total payments received from the Tennessee Valley Authority, except payments received directly from the Tennessee Valley Authority, among the distributees as provided in subsection (2) of this section. The department of revenue shall certify the payment due each taxing district to the executive department for finance and administration which shall make the payment to such district.

(4) As used in subsections (2) and (3) of this section, "Tennessee Valley Authority Property" means land owned by the United States and in the custody of the Tennessee Valley Authority, together with such improvements (including work in progress but excluding temporary construction facilities) as have a fixed situs thereon if and to the extent that such improvements either: (a) were in existence when title to the land on which they are situated was acquired by the United States; or (b) are allocated by the Tennessee Valley Authority or determined by it to be allocable to power; Provided, however, That manufacturing machinery as interpreted by the department of revenue for franchise tax determination shall be excluded. As used in said subsections "book value" means original cost less accrued depreciation as reflected in Tennessee Valley Authority's books of account. "Book value" shall be determined, for purposes of applying said subsections, as of the June 30 used by the Tennessee Valley Authority in computing the annual payment to the commonwealth which is subject to redistribution by the commonwealth.

(5) This section shall be applicable to all payments received after June 30, 1954 from the Tennessee Valley Authority under section 13 of the Tennessee Valley Authority Act as amended.

Section 3. The secretary of the executive department for finance and administration is authorized and directed to pay from surpluses in the current foundation program fund appropriation an amount to each affected district equal to the loss suffered by the district based upon warrants prepared by the department of education whose aggregate shall not exceed $108,200.

Section 4. The General Assembly recognizing that school districts budgets were prepared for the current school year based upon this anticipated revenue does hereby declare an emergency to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Judiciary-Courts: **SB 293.**

State Government: **SB 237, SB 214, HB 657.**

Judiciary-Statutes: **HB 679, HB 743.**

Calendar

HB 311, HB 565, HB 627, HB 497, HB 530, HB 553, HB 650, HB 717, HJR 38, SB 166, SB 200, HB 78, HB 555, SB 92, SB 232, HB 526, HB 617, HJR 86, HB 216, HB 758, HB 686, HB 578, HB 676, HB 625, HB 761, HB 229, HB 727, HB 238 taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors of Bills and Resolutions. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative J. Allen, **HB 339**; Representative Arnold, **HJR 89,** Representative Bruce, **HB 533;** Representative Carpenter, **HB 339**; Representative DeFalaise, **HB 339**; Representative Hancock, **HB 538**; Representative Isler, **HB 339;** Representative Marcum, **HB 339;** Representative Plummer, HB 339; Representative Wright, **HB 339.**

Representative Isler moved that the rules be suspended to record votes in the following manner. Agreed.

Representatives Isler requested that he be recorded as voting "yea" on **HB 430, HB 401, HB 168, HB 374, HB 550, HB 623;** "nay" on **HB 563, HB 628.** Agreed.

Representative Foster moved the adoption of the following Legislative Citation No. 40:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates Reverend Joseph Albert Carrico for his outstanding christian services, a quarter of a century serving as Minister of the Post Oak Baptist Church, Russellville, Kentucky. His dedicated work with the Logan County Relief effort for Kentucky flood victims is most commendable and courageous. His multiple civic contributions attest to his being a great humanitarian. Under his leadership for 12 years, he served as State Director of the Heart Fund drive and Chairman of the Logan County Heart Fund drive for 22 years. His county ranked first per capita, realizing $13,604.17. He served as coordinator for Brandenburg Disaster Relief receiving $325,000 for supplies and he also served as coordinator in Logan County for Eastern Kentucky Flood Relief. Over $500,000 grant was received and $10,000 cash contributions given to Churches. He served formerly as the President of the Russellville Ministerial Association, member of the Executive Board of Kentucky Baptist Convention and member of Optimist International. The multiple honors accorded him reflect in great measure his vast achievements in which he can take great pride. Accept our best wishes for continued success. (Sponsored by Representative Foster)

Agreed.

Representative Hancock moved the adoption of the following Legislative Citation No. 46:

The House of Representatives hereby congratulates the Reverend J. Patrick Flynn, Minister of the Hope Lutheran Church, for the high distinction accorded him as "Clergyman of the Year" for 1977 by the Frankfort Civitan Club at their tenth Annual Clergy Week. His deep compassion, concern, and love for others are manifested in his daily life. His many opportunities for service are reflected in his stewardship of time and talents and his ministering to the needs of others, physically, mentally, socially as well as spiritually. He opens the doors of his Church daily making its facilities always available. Christianity in action is quite evident. He is a blessing and an asset to our Community. He has merited God's approbation "Well Done." We are proud of him and we extend our prayers and best wishes for his success. (Sponsored by Representative Hancock)

Agreed.

Representative Hines moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Hines requested that he be recorded as voting "yea" on **HB 168.** Agreed.

Representative Cyrus moved the adoption of the following Legislative Citation No. 54:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Kentucky National Guard. This body commends the faithful and devoted members of the Guard for their unselfish service to the people of the Commonwealth during the recent severe winter crisis. This body especially applauds Colonel Dezarnes and the Ashland National Guard Unit for their invaluable assistance during emergency and disaster conditions. This body extends deepest appreciation to Captain Dezarnes, the Ashland Unit, and all members of the National Guard for their outstanding contribution to the Commonwealth of Kentucky. (Sponsored by Representative Cyrus)

Agreed.

Representative Tobin moved that the rules be suspended for the purpose of acting on a Resolution. Agreed.

Representative Tobin moved the adoption of the following **HR 112:**

HR 112, A RESOLUTION commending Kentucky Educational Television for its coverage of the 1978 Session of the Kentucky General Assembly.

WHEREAS, Kentucky Educational Television has provided coverage of committee and floor activity of the 1978 General Assembly; and

WHEREAS, such coverage has given the public an opportunity to observe the legislative process and promote a greater discussion of the issues facing this General Assembly; and

WHEREAS, the staff and crew of Kentucky Educational Television have operated in a professional manner so as to enhance their effectiveness in working with the General Assembly; and

WHEREAS, the coverage of the 1978 Kentucky General Assembly continues KET's offering of informative programming for the public;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky Educational Television be commended for its coverage of the 1978 Kentucky General Assembly.

Section 2. That the Clerk of House of Representatives deliver a copy of this resolution to the Executive Director of the Kentucky Educational Television.

HR 112 was adopted by voice vote.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 18, HB 37, HB 55, HB 57, HB 160, HB 209, HB 271,** and **HB 404** had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 18, HB 37, HB 55, HB 57, HB 160, HB 209, HB 271, and **HB 404** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Motions, Petitions and Communications

Representative Imes moved that **HB 374** be recommitted to the Committee on State Government. Agreed.

Representative Williams moved that **HB 93** be taken from the table and placed in Orders of the Day.

On the roll call the vote was yeas 69-Adams, J. Allen, W. Allen, Arnold, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guenthner, Hancock, Hines, Holloway, Hurst, Imes, Isler, Kenton, Kidd, Layman, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, White, Wilborn, Williams, Yates. Nays 9-Bendl, Brown, Clarke, Head, Lindsay, List, Little, Trevey, Weinberg.

The motion that **HB 93** be taken from the table and placed in Orders of the Day was adopted.

Representative Robinson moved that **HB 710** be recommitted to the Committee on Cities.

On the roll call the vote was yeas 32-J. Allen, Boswell, Bruce, Burch, Clapp, Craddock, Cyrus, Donnermeyer, Foster, Gay, Guenthner, Head, Imes, Kenton, Kidd, Marcum, McBee, Noe, O'Brien, Pearman, Richards, Riner, Robinson, Sale, F. Smith, Stewart, Stone, Tobin, Turner, Van Horn, White, Wilborn. Nays 18-W. Allen, Bendl, Blythe, Crupper, Haering, Hancock, Holbrook, Isler, Johnson, Layman, Lindsay, Morris, Overstreet, Patrick, Rattliff, Siemens, Weinberg, Williams.

The motion that **HB 710** be recommitted to the Committee on Cities was adopted.

Representative Mann moved that the vote by which the clincher motion was applied to the defeat of **HB 491** be reconsidered.

On the roll call the vote was yeas 48-J. Allen, Bennett, Benson, Blythe, Brown, Bruce, Burnette, Clapp, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Gay, Gray, Guenthner, Guy, Holbrook, Isler, Johnson, Kenton, Kidd, Lindsay, Little, Mann, Marcum, McKinney, Morris, Noe, Overstreet, Patrick, Petty, Priddy, B. Richardson, Riner, Robinson, Romines, F. Smith, Stewart, Turner, Van Horn, White, Wilborn, Williams, Yates. Nays 27-Adams, W. Allen, Bendl, Beshear, Boswell, Brinkley, Burch, Clarke, DeMarcus, Foster, Hancock, Hines, Imes, Jones, Layman, McNutt, Nett, Pearman, Richards, P. Richardson, Sale, Siemens, Stone, Tobin, Trevey, Weinberg, Wright.

The motion that the vote by which the clincher was applied to **HB 491** be reconsidered was rejected.

Orders of the Day

HB 264 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the following Floor Amendment No. 2 to **HB 264:**

Amend printed copy of **HB 264,** page 2, by adding after line 14, the following:

"*(5) In counties containing a city of the first and second class, all state, county and district taxes, except as otherwise provided by law, shall become delinquent on January 1 following their due date. Delinquent taxes paid by the last day of Janaury shall be subject to a penalty of two per cent (2%) on the taxes due and unpaid. All other delinquent taxes shall be subject to a penalty of ten per cent (10%) on the taxes due and unpaid. Any taxpayer who pays his state, county or district taxes by November 1 after they become due in any year shall be entitled to a two per cent (2%) discount thereon.*"

Agreed.

Representative Rattliff moved that **HB 264,** as amended, be passed.

On the roll call the vote was yeas 93-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 2-Burnette, Imes.

HB 264, as amended, was passed and the title agreed to.

Representative Rattliff moved that the vote by which **HB 264,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 424 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreedby a majority of members elected.

On the roll call the vote was yeas 59-Adams, J. Allen, W. Allen, Arnold, Bennett, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Hancock, Hines, Holloway, Imes, Isler, Jones, Kenton, Kidd, Lindsay, List, Little, Mann, Maynard, McBee, McNutt, Morris, Pearman, Petty, Plummer, Priddy, Richards, P. Richardson, Romines, Siemens, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, Williams, Worthington, Yates. Nays 18-Beshear, Blandford, Clarke, Davenport, Fitzgerald, Gray, Head, Holbrook, Layman, LeMaster, McKinney, O'Brien, Overstreet, Patrick, Rattliff, F. Smith, Trevey, Wilborn.

HB 424 was passed and the title agreed to.

Representative Jones moved that the vote by which **HB 424** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 570 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Priddy moved that **HB 570** be passed.

On the roll call the vote was yeas 86-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Wilborn, Williams, Worthington, Wright. Nays 2-DeMarcus, Weinberg.

HB 570 was passed and the title agreed to.

Representative Priddy moved that the vote by which **HB 570** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 599, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved the adoption of the Committee Amendment No. 1 to **HB 599.** Agreed.

Representative Yates moved that **HB 599,** as amended, be passed.

On the roll call the vote was yeas 71-Adams, J. Allen, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, Little, Mann, May, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, R. Smith, Stone, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Wright, Yates. Nays 10-W. Allen, Brown, Clarke, DeFalaise, Head, Imes, Layman, Marcum, McKinney, Pearman.

HB 599, as amended, was passed and the title agreed to.

Representative Yates moved that the vote by which **HB 599,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 94 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Worthington moved the adoption of the following Floor Amendment No. 1 to **SB 94:**

Amend printed copy of **SB 94,** page 5, line 26, by inserting "Section 8 of" after "(3)".

Agreed.

Representative Worthington moved that **SB 94,** as amended, be passed.

On the roll call the vote was yeas 91-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright. Nays 0.

SB 94, as amended, was passed and the title agreed to.

Representative Worthington moved that the vote by which **SB 94,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 13, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved the adoption of the Committee Amendment to **HB 13.** Agreed.

Representative Bendl moved that **HB 13,** as amended, be passed.

Representative W. Allen moved that **HB 13,** as amended, be laid on the table.

On the roll call the vote was yeas 45-J. Allen, W. Allen, Benson, Blandford, Boatwright, Boswell, Brinkley, Burch, Burnette, Crupper, Dawahare, DeMarcus, Deskins, Guenthner, Guy, Head, Holbrook, Holloway, Imes, Isler, Layman, LeMaster, Lindsay, Little, May, Maynard, McBee, Morris, Overstreet, Pearman, Petty, Plummer, B. Richardson, P. Richardson, Robinson, R. Smith, Stewart, Stone, Trevey, Van Horn, Wells, White, Wilborn, Williams, Wright. Nays 37-Adams, Bendl, Bennett, Beshear, Blythe, Brown, Carpenter, Craddock, Cyrus, Dietz, Dunn, Fitzgerald, Gray, Hearing, Hancock, Hines, Johnson, Kenton, Kidd, List, Mann, Marcum, McNutt, Noe, Patrick, Priddy, Richards, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Thomas, Tobin, Turner, Weinberg.

The motion that **HB 13,** as amended, be laid on the table was adopted.

HB 449, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wells moved the adoption of the Committee Substitute to **HB 449.** Agreed.

Representative Wells moved that **HB 449,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 86-Adams, J. Allen, W. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, List, Little, Marcum, May, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 1-Overstreet.

HB 449, by way of Committee Substitute, was passed and the title agreed to.

Representative Wells moved that the vote by which **HB 449,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 470 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed uponits passage. Agreed by a majority of members elected.

Representative Blythe moved that **HB 470** be passed.

On the roll call the vote was yeas 81-J. Allen, W. Allen, Bendl, Bennett, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, List, Little, Mann, May, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 2-Lindsay, Nett.

HB 470 was passed and the title agreed to.

Representative Blythe moved that the vote by which **HB 470** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 474 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Haering moved that **HB 474** be passed.

On the roll call the vote was yeas 87-Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright. Nays 0.

HB 474 was passed and the title agreed to.

Representative Haering moved that the vote by which **HB 474** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 253, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of the Committee Substitute to **HB 253.** Agreed.

Representative Fitzgerald moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute to **HB 253.** Agreed.

Representative Fitzgerald moved that **HB 253,** by way of Committee Substitute as amended, be passed.

Representative Weinberg moved the adoption of the following Floor Amendment No. 2 to **HB 253:**

Amend printed copy of **HB 253,** page 16, line 20, by adding the following:

SECTION 16. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context requires otherwise:

(1) "Beverage" means beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption.

(2) "Beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a beverage.

(3) "Consumer" means every person who purchases a beverage in a beverage container for use or consumption.

(4) "Dealer" means every person in this state who engages in the sale of beverages in beverage containers to a consumer, or means a redemption center certified under Section 21 of this Act.

(5) "Department" means the department for natural resources and environmental protection.

(6) "Distributor" means every person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sales.

(7) "Manufacturer" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.

(8) "Place of business of a dealer" means the location at which a dealer sells or offers for sale beverages in beverage containers to consumers.

(9) "Use or consumption" includes the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purpose of sale.

SECTION 17. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

Every beverage container sold or offered for sale in this state shall have a refund value of not less than five cents.

SECTION 18. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

Except as provided in Section 19 of this Act:

(1) A dealer shall not refuse to accept from a consumer any empty beverage containers of the kind, size and brand sold by the dealer, or refuse to pay to the consumer the refund value of a beverage container as established by Section 17 of this Act.

(2) A distributor shall not refuse to accept from a dealer any empty beverage containers of the kind, size and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage container as established by Section 17 of this Act.

SECTION 19. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

(1) A dealer may refuse to accept from a consumer, and a distributor may refuse to accept from a dealer, any empty beverage container which does not state thereon a refund value as established by Section 17 of this Act, except for those containers provided for in Section 20(2) of this Act.

(2) A dealer may refuse to accept and to pay the refund value of empty beverage containers if the place of business of the dealer and the kind and brand of empty beverage containers are included in an order of the department approving a redemption center under Section 21 of this Act.

SECTION 20. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

(1) Every beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, or by a label, or other method securely affixed to the beverage container, the refund value of the container.

(2) Subsection (1) of this section shall not apply to glass beverage containers designed for beverages having the brand name permanently marked thereon which, on the effective date of this Act, had a refund value of not less than five cents.

(3) No person shall sell or offer for sale at retail in this state any metal beverage container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener.

SECTION 21. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

(1) To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the department at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers.

(2) Application for approval of a redemption center shall be filed with the department. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center, the kind and brand names of the beverage containers which will be accepted at the redemption center and the names and addresses of the dealers to be served by the redemption center. The application shall include such additional information as the department may require.

(3) The department shall approve a redemption center if it finds the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The order of the department approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order may contain such other provisions to insure the redemption center will provide a convenient service to the public as the department may determine.

(4) The department may review at any time approval of a redemption center. After written notice to the person responsible for the establishment and operation of the redemption center, and to the dealers served by the redemption center, the department may, after hearing, withdraw approval of a redemption center if the department finds there has not been compliance with its order approving the redemption center, or if the redemption center no longer provides a convenient service to the public.

SECTION 22. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

The department shall issue rules and regulations to enforce this Act.

SECTION 23. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall apply to beverages sold to or by commercial carriers engaged in the interstate transportation of passengers.

SECTION 24. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

Any person who violates Sections 17, 18, or 20 of this Act shall be fined not more than $500 for each offense, each day of a violation constituting a separate offense.

Section 25. This Act shall become effective January 1, 1980."

Representative Little moved the previous question on **HB 253.**

On the roll call the vote was yeas 24-J. Allen, Bennett, Blandford, Boswell, Brown, Carpenter, Craddock, Davenport, Dawahare, Deskins, Gay, Guenthner, Hancock, Little, Maynard, McNutt, Pearman, Petty, Priddy, Romines, Thomas, Tobin, Trevey, Weinberg. Nays 51-Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Boatwright, Brinkley, Burnette, Clarke, Crupper, Cyrus, DeMarcus, Dietz, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Head, Hines, Hurst, Johnson, Kleier, Layman, LeMaster, Lindsay, Marcum, Nett, Noe, Overstreet, Patrick, Plummer, Rattliff, B. Richardson, P. Richardson, Riner, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, White, Williams, Wright, Yates.

The motion that the previous question be adopted on **HB 253** was rejected.

On the roll call the vote was yeas 28-Bendl, Benson, Beshear, Brown, Bruce, Carpenter, Clarke, Crupper, Davenport, DeMarcus, Fitzgerald, Guy, Haering, Hancock, Jones, Kenton, Kleier, LeMaster, Maynard, Nett, Petty, Plummer, B. Richardson, Robinson, R. Smith, Trevey, Weinberg, Worthington. Nays 61-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Burch, Burnette, Clapp, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Gay, Gray, Guenthner, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Layman, Lindsay, List, Mann, Marcum, McBee, McNutt, Noe, O'Brien, Overstreet, Patrick, Pearman, Priddy, Rattliff, Richards, P. Richardson, Riner, Romines, Schmidt, Siemens, F. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Wells, White, Williams, Wright, Yates.

The motion that Floor Amendment No. 2 to **HB 253** be adopted was rejected.

Representative Little moved that **HB 253,** by way of Committee Substitute as amended, be laid on the table.

On the roll call the vote was yeas 25-J. Allen, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Craddock, Davenport, Dawahare, DeMarcus, Gray, Head, Holbrook, Hurst, Layman, Little, McNutt, Morris, Pearman, R. Smith, Stone, Tobin, White. Nays 59-Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Carpenter, Clapp, Clarke, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Guy, Haering, Hancock, Hines, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Mann, Marcum, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, Stewart, Thomas, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Wright, Yates.

The motion that **HB 253,** by way of Committee Substitute as amended, be laid on the table was rejected.

On the roll call the vote was yeas 48-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Burch, Carpenter, Clapp, Clarke, Crupper, Dawahare, Deskins, Donnermeyer, Dunn, Fitzgerald, Guy, Hancock, Jones, Kenton, Keleir, LeMaster, Lindsay, List, Mann, Maynard, Nett, Noe, O'Brien, Overstreet, Petty, Priddy, Rattliff, B. Richardson, P. Richardson, Romines, Sale, Siemens, Stewart, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Yates. Nays 43-J. Allen, W. Allen, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Craddock, Cyrus, Davenport, DeMarcus, Dietz, Foster, Gay, Gray, Guenthner, Head, Holbrook, Hurst, Imes, Isler, Johnson, Layman, Little, Marcum, McBee, McKinney, McNutt, Morris, Pearman, Plummer, Riner, Robinson, F. Smith, R. Smith, Stone, Tobin, White, Worthington, Wright.

HB 253, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Fitzgerald moved that the vote by which **HB 253,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 20, SB 21, SB 25, SB 26, SB 27, SB 31, SB 90, SB 182, SB 165,** and **SB 35** had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Recess

Representative B. Richardson moved that the House recess until 7 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

HB 492 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Van Horn moved that **HB 492** be passed.

On the roll call the vote was yeas 77-J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Craddock, Crupper, Davenport, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Hancock, Head, Hines, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 0.

HB 492 was passed and the title agreed to.

Representative Van Horn moved that the vote by which **HB 492** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 500 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Guy, Head, Hines, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 6-Blandford, Crupper, Imes, Pearman, Thomas, Trevey.

HB 500 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 500** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 519 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved that **HB 519** be passed.

On the roll call the vote was yeas 76-J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brown, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 8-Adams, Brinkley, Donnermeyer, Imes, McBee, Petty, Trevey, Wells.

HB 519 was passed and the title agreed to.

Representative Fitzgerald moved that the vote by which **HB 519** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 119, SB 217, SB 219, SB 229, SB 256, SB 258, SB 268, SB 269, SB 270, SB 312, SB 314, SB 328, SB 329, SB 339, SB 344, SB 350, SB 360, HB 171, HB 201, HB 247, HB 257, HB 280, HB 298, HB 369,** and **SR 42.**

Orders of the Day (continued)

HB 528, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative W. Allen moved the adoption of the Committee Amendment No. 1 to **HB 528.** Agreed.

Representative B. Richardson moved that **HB 528,** as amended, be passed.

On the roll call the vote was yeas 83-Adams, J. Allen, W. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 528, as amended, was passed and the title agreed to.

Representative W. Allen moved that the vote by which **HB 528,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 573 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 573** be passed.

Representative Hancock moved that **HB 573** be laid on the Clerk's desk.

On the roll call the vote was yeas 38-Adams, J. Allen, Arnold, Bendl, Blythe, Burnette, Carpenter, Craddock, Crupper, Davenport, DeMarcus, Foster, Guenthner, Haering, Hancock, Hines, Holbrook, Holloway, Imes, Jones, Layman, Lindsay, List, Marcum, McNutt, Morris, Overstreet, Rattliff, Richards, P. Richardson, Riner, Sale, Schmidt, Tobin, Trevey, Wilborn, Worthington, Wright. Nays 47-W. Allen, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Clapp, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Gray, Guy, Isler, Johnson, Kenton, LeMaster, Little, Mann, McBee, McKinney, Noe, O'Brien, Patrick, Pearman, Petty, Priddy, B. Richardson, Romines, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, Yates.

The motion that **HB 573** be laid on the Clerk's desk was rejected.

On the roll call the vote was yeas 55-Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Clapp, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Little, Mann, McBee, McKinney, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, White, Yates. Nays 28-Adams, W. Allen, Arnold, Blythe, Burnette, Carpenter, Craddock, Crupper, DeMarcus, Foster, Guenthner, Haering, Hancock, Head, Layman, List, Marcum, McNutt, Morris, Patrick, Pearman, P. Richardson, Schmidt, Tobin, Trevey, Wilborn, Worthington, Wright.

HB 573 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which **HB 573** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 576, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Amendment No. 1 to **HB 576.** Agreed.

Representative Richards moved that **HB 576,** as amended, be passed.

On the roll call the vote was yeas 86-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, Lindsay, List, Little, Marcum, May, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 4-LeMaster, Mann, Pearman, Van Horn.

HB 576, as amended, was passed and the title agreed to.

Representative Richards moved that the vote by which **HB 576,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 582 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stone moved that **HB 582** be passed.

On the roll call the vote was yeas 91-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 582 was passed and the title agreed to.

Representative Stone moved that the vote by which **HB 582** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 579, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardon moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Amendment No. 1 to **HB 579.** Agreed.

Representative Richards moved the adoption of the Committee Amendment No. 2 to **HB 579.** Agreed.

Representative Richards moved the adoption of **HB 579,** as amended.

Representative Nett moved the adoption of the following Floor Amendment No. 1 to **HB 579:**

Amend printed copy of **HB 579,** page 8, by inserting after line 25 the following:

SECTION 11. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

The provisions of Sections 11 through 17 of this Act shall be known as "the educational accountability act of 1978". It is the intention of the General Assembly to assure an efficient system of common schools through the proper use of available resources, but not to limit the powers and duties of the respective local school boards. The purpose of this Act is to develop a meaningful system of gathering and reporting output measures for the educational system of the state which may be analyzed to provide a guide for decisions affecting the future of education in the Commonwealth.

SECTION 12. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context otherwise requires:

(1) 'Program" means an organized effort to provide a service, or a series of related services, leading to the attainment of an objective and a goal;

(2) "Goal" means the long-range result which the program should achieve;

(3) "Objective" means the immediate result which the program should achieve;

(4) "Outcome measure" means the statistic by which the long-range result achieved by the program will be measured. The outcome measure permits the measurement of the degree to which the goal is attained;

(5) "Output measure" means the statistic by which the immediate result achieved by the program will be measured. The outcome measure permits the measurement of the degree to which the objective is attained.

SECTION 13. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

The educational goals for the commonwealth shall be those adopted by the state board of education in October, 1973 and shall include the following broad areas: general education; consumer education; human relationships; citizenship; creative, constructive and critical thinking; physical and mental well being; occupational competence and cultural appreciation.

SECTION 14. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

The department of education shall designate outcome and output measures within each of the major goal areas identified in Section 13.

SECTION 15. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

The department of education shall present to the interim committee on education, with a copy to the governor, a plan for securing the designated outcome and output measures by April 1, 1979.

SECTION 16. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) The superintendent of public instruction shall appoint an advisory committee to help in the development of the educatinal accountability program. This committee shall consist of:

(a) A member of the Kentucky General Assembly,

(b) A representative from the office of the governor,

(c) A staff member of the legislative research commission,

(d) A representative of the department of education,

(e) A representative of each of the state-wide education associations,

(f) A representative of a local education association,

(g) A representative of a parent-teacher organization,

(h) A lay citizen, and

(i) A student.

(2) The interim committee on education shall approved or return the accountability plan submitted by the department of education.

SECTION 17. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

The department of education shall report on an annual basis to the interim committee on education, with a copy to the governor, the outcome and output measures of the elementary and secondary educational achievement in regards to the stated goals and objectives. Such report shall be due by August 1 of each year with the first report due on August 1, 1980.

Section 18. To carry out the provisions of Sections 11 through 17 of this Act, there is appropriated to the department of education out of the General Fund in the State Treasury the sum of $200,000 for the 1978-79 fiscal year and the sum of $100,000 for the 1979-80 fiscal year.

On the roll call the vote was yeas 20-Bennett, Beshear, Blythe, Burch, Davenport, DeFalaise, DeMarcus, Dietz, Fitzgerald, Haering, Holbrook, Mann, Maynard, Nett, Petty, Priddy, Riner, Schmidt, Siemens, Yates. Nays 57-Adams, J. Allen, W. Allen, Arnold, Blandford, Boatwright, Boswell, Brinkley, Burnette, Craddock, Cyrus, Dawahare, Deskins, Dunn, Foster, Gay, Gray, Guenthner, Guy, Hancock, Head, Hines, Holloway, Imes, Isler, Kenton, Kidd, Layman, LeMaster, Marcum, May, McBee, McKinney, McNutt, Morris, Noe, Patrick, Pearman, Plummer, Richards, B. Richardson, Romines, Sale, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright.

The Floor Amendment No. 1 to **HB 579** was rejected.

On the roll call the vote was yeas 91-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 2-W. Allen, Brown.

HB 579, as amended, was passed and the title agreed to.

Representative Richards moved that the vote by which **HB 579,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 588 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved that **HB 588** be laid on the Clerk's desk.

On the roll call the vote was yeas 72-Adams, Arnold, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, May, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 4-Bennett, Gray, Imes, Patrick.

The motion that **HB 588** be laid on the Clerk's desk was adopted.

HB 589 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved that **HB 589** be passed.

On the roll call the vote was yeas 77-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, List, Mann, Marcum, May, McKinney, McNutt, Morris, Nett, O'Brien, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Weinberg, Wells, White, Williams, Worthington, Wright, Yates. Nays 11-Deskins, Donnermeyer, Holbrook, Layman, Lindsay, Little, Overstreet, Patrick, Pearman, Turner, Van Horn.

HB 589 was passed and the title agreed to.

Representative Brinkley moved that the vote by which **HB 589** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 591 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved that **HB 591** be passed.

On the roll call the vote was yeas 72-Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Blythe, Boatwright, Brinkley, Brown, Bruce, Burch, Carpenter, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, List, Marcum, May, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 18-W. Allen, Boswell, Burnette, Deskins, Donnermeyer, Gay, Holbrook, Layman, Lindsay, Little, Overstreet, Patrick, Pearman, Thomas, Tobin, Trevey, Turner, Van Horn.

HB 591 was passed and the title agreed to.

Representative Brinkley moved that the vote by which **HB 591** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 593 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved that **HB 593** be passed.

On the roll call the vote was yeas 30-Boatwright, Brinkley, Bruce, Burch, Craddock, Dawahare, Dunn, Foster, Johnson, Jones, Kenton, LeMaster, List, May, McKinney, Nett, Noe, Petty, Richards, B. Richardson, P. Richardson, Robinson, Sale, F. Smith, Thomas, Turner, White, Worthington, Wright, Yates. Nays 56-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brown, Burnette, Carpenter, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Gay, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Kidd, Layman, Lindsay, Little, Mann, Marcum, McBee, McNutt, Morris, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Riner, Schmidt, Siemens, R. Smith, Stone, Tobin, Trevey, Van Horn, Weinberg, Wilborn.

HB 593 was defeated.

Representative Trevey moved that the vote by which **HB 593** was defeated be reconsidered and said motion be postponed indefinitely. Agreed.

HB 594 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved that **HB 594** be passed.

Representative Deskins moved that **HB 594** be laid on the Clerk's desk.

On the roll call the vote was yeas 39-Bennett, Benson, Beshear, Boswell, Brinkley, Brown, Burch, Burnette, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Haering, Head, Hines, Isler, Lindsay, Little, McBee, Morris, Nett, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, Riner, Siemens, Stewart, Stone, Thomas, Tobin, Trevey, Wright. Nays 24-J. Allen, Bendl, Blythe, DeMarcus, Gray, Guenthner, Hancock, Holbrook, Holloway, Imes, Johnson, Kleier, Layman, List, Marcum, Noe, Overstreet, Patrick, Robinson, Schmidt, F. Smith, Van Horn, Weinberg, Wilborn.

The motion that **HB 594** be laid on the Clerk's desk was adopted.

HB 605, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Van Horn moved the adoption of the Committee Amendment No. 1 to **HB 605**. Agreed.

Representative Van Horn moved the adoption of the Committee Amendment No. 2 to **HB 605**. Agreed.

Representative Van Horn moved the adoption of the Committee Amendment No. 3 to **HB 605**.

Representative Van Horn moved that **HB 605**, as amended, be passed.

On the roll call the vote was yeas 87-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 605, as amended, was passed and the title agreed to.

Representative Van Horn moved that the vote by which **HB 605**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 618 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Van Horn moved that **HB 618** be passed.

On the roll call the vote was yeas 71-Adams, J. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brown, Bruce, Carpenter, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Holbrook, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, Marcum, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Wright, Yates. Nays 15-W. Allen, Brinkley, Burnette, Guenthner, Holloway, Imes, Jones, Kleier, Lindsay, McNutt, Patrick, Pearman, Plummer, R. Smith, Worthington.

HB 618 was passed and the title agreed to.

Representative Van Horn moved that the vote by which **HB 618** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 626 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **HB 626** be passed.

On the roll call the vote was yeas 95-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 626 was passed and the title agreed to.

Representative Richards moved that the vote by which **HB 626** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 640 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Imes moved that **HB 640** be passed.

On the roll call the vote was yeas 74-Adams, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Hancock, Head, Hines, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Lindsay, Little, Mann, May, Maynard, McBee, McNutt, Morris, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Tobin, Trevey, Turner, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 6-W. Allen, Beshear, DeMarcus, Holbrook, Patrick, Van Horn.

HB 640 was passed and the title agreed to.

Representative Imes moved that the vote by which **HB 640** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 665 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Guenthner moved that **HB 665** be passed.

On the roll call the vote was yeas 88-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 2-Imes, Jones.

HB 665 was passed and the title agreed to.

Representative Guenthner moved that the vote by which **HB 665** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 123 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Adams moved that **SB 123** be passed.

On the roll call the vote was yeas 66-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Brown, Burch, Burnette, Craddock, Cyrus, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Guenthner, Guy, Haering, Hancock, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, List, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Weinberg, Wilborn, Worthington, Yates. Nays 17-Beshear, Deskins, Gray, Head, Imes, Kleier, Layman, Lindsay, Little, McKinney, Overstreet, Patrick, Robinson, Schmidt, Tobin, Van Horn, Wright.

SB 123 was passed and the title agreed to.

Representative Adams moved that the vote by which **SB 123** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 647 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Worthington moved that **HB 647** be passed.

On the roll call the vote was yeas 88-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Burnette, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 647 was passed and the title agreed to.

Representative Worthington moved that the vote by which **HB 647** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 648 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 90-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 648 was passed and the title agreed to.

Representative Trevey moved that the vote by which **HB 648** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 171, HB 201, HB 247, HB 280,** HB 298, and **HB 369** had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Announcements

Representative B. Richardson moved that the rules be suspended for the purpose of waiving the three-day posting period on **HB 719, HB 732, HCR 105, HB 629, HCR 111,** and **HB 657.** Agreed.

The Clerk announced the filing of the following Floor Amendment to Bills and Resolutions:

Floor Amendments Nos. 11 and 12 to Committee Substitute for **HB 87** by Representative O'Brien.

Floor Amendment No. 13 to Committee Substitute to **HB 87** by Representatives Cyrus and Holbrook.

Floor Amendments Nos. 14, 15 and 16 to Committee Substitute for **HB 87** by Representative Van Horn.

Floor Amendment No. 3 to **HB 216** by Representative B. Richardson.

Floor Amendment No. 4 to **HB 216** by Representative Carpenter.

Floor Amendment No. 5 to **HB 216** by Representative Boatwright.

Floor Amendment No. 6 to **HB 216** by Representative Donnermeyer.

Floor Amendment No. 3 to **HB 264** by Representative Marcum.

Floor Amendment No. 2 to **HB 438** by Representative Maynard.

Floor Amendment No. 1 to **HB 495** by Representative Pearman.

Floor (Title) Amendment and Floor Amendment No. 1 to **HB 545** by Representative B. Richardson.

Floor Amendment No. 3 to Committee Substitute to **HB 546** by Representative Weinberg.

Floor Amendment No. 1 to **HB 573** by Representative Hancock.

Floor Amendment No. 1 to **HB 622** by Representative Imes.

Floor Amendments Nos. 2 and 3 to **HB 717** by Representative Bendl.

Floor Amendment No. 1 to **SB 88** by Representative Lindsay.

Floor Amendment No. 1 to **SB 95** by Representative B. Richardson.

Floor (Title) Amendment and Floor Amendment No. 2 to **SB 148** by Representative Patrick.

Floor Amendment No. 1 to **SB 215** by Representative DeFalaise.

Floor Amendment No. 1 to **SB 222** by Representative Craddock.

Floor Amendment No. 2 to **HB 622** by Representative Kidd.

Floor Amendment No. 1 to **SB 236** by Representative Donnermeyer.

Floor Amendment No. 2 to **SB 236** by Representative Robinson.

Floor Amendment No. 1 to **SB 348** by Representative Weinberg.

Representative B. Richardson moved that the rules be suspended for Introduction of Bills and Resolutions, Reference of Bills and Resolutions, and Report of Committees. Agreed.

Introduction of Bills and Resolutions

HB 773, by Representatives Adams and Richards: AN ACT relating to shorthand reporters.

HB 774, by Representatives Adams and Richards: AN ACT relating to professional engineers.

HCR 113, by Representative DeFalaise: A CONCURRENT RESOLUTION requesting and petitioning the Congress of the United States for the purpose of requesting appropriate action by the Congress, either acting by consent of two-thirds of both Houses or, upon the application of the legislatures of two-thirds of the several states, calling a constitutional convention to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year.

Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SCR 32.**

Appropriations and Revenue: **SB 223, SB 332, SB 348.**

Business Organizations and Professions: **SCR 36.**

Cities: **SB 311.**

Counties and Special Districts: **SB 202.**

Education: **SB 291, SB 292, SB 308, SJR 21, SJR 33.**

Health and Welfare: **SB 145, SB 285.**

Judiciary-Statutes: **HB 771.**

Public Utilities and Transportation: **SB 279.**

State Government: **HB 772, HCR 111, SB 215, SCR 35, SJR 37, SCR 38, SCR 41.**

Elections and Constitutional Amendments: **SCR 34.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Judiciary-Statutes: **SB 264, SB 252, HB 641.**

Health and Welfare: **SB 254, SB 242, HCR 100.**

State Government: **HB 728.**

Appropriations and Revenue: **HB 493, SR 19.**

Business Organizations and Professions: **SB 183, HB 671.**

Cities: **SB 261, HB 734.**

The Clerk announced the following Bills have been withdrawn from Committee consideration:

Health and Welfare: **HB 14, HB 562.**

Report of Committees

The Committee on Business Organizations and Professions reported **HB 766,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 766, AN ACT relating to an authority having power to acquire, maintain, improve, expand, develop and operate Churchill Downs.

WHEREAS, for over one hundred years, Churchill Downs Incorporated and its predecessors have developed and staged at Louisville, Kentucky, the now world-famous Kentucky Derby, which has contributed largely to development in Kentucky of the finest thoroughbred horses and the racing thereof; and

WHEREAS, in 1977 an exhaustive study was made of the economic impact of Churchill Downs upon the Louisville metropolitan area and it was found to add over $74 million to that economy; and, obviously, the economic impact upon Kentucky as a whole, with its outstanding horse farms, its Thoroughbred State Park and its superb state parks, was substantially greater, as many of the people who came to the Derby came early or remained late to explore and enjoy Kentucky's other attractions; and

WHEREAS, only a few years ago a large corporate conglomerate undertook to take over Churchill Downs, which effort was defeated only through the expenditure of some $5 million in purchasing Churchill Downs stock by a small group dedicated to racing as a sport, some of the members of which are becoming advanced in age and upon their death or incapacity, the future of Churchill Downs might be affected; and,

WHEREAS, the ownership of Churchill Downs by an authority of the Commonwealth of Kentucky would prevent any conglomerate from ever acquiring and using Churchill Downs and the Kentucky Derby primarily as a business venture without consideration of its value to the Commonwealth as a whole; and

WHEREAS, the civic-minded people of Louisville have contributed many thousands of hours of time and thousands of dollars to creating a gala week in Louisville known as the Kentucky Derby Festival for the attraction of foreign guests and for the entertainment of all; and

WHEREAS, the Chairman of the Kentucky State Racing Commission, through his great familiarity with racing here and throughout the world, has concluded that the Kentucky Derby, which during the past four years was attended by an average of 128,744 persons, is so much an integral part of the sporting and economic life of Kentucky as a whole, that last year, at the "They're Off Luncheon" (the initial event of the Kentucky Derby Festival), attended by some 1,200 civic leaders, he publicly recommended that Churchill Downs be acquired by the Commonwealth of Kentucky in order to preserve it as the preeminent sporting event of the world—number one in the Triple Crown of Racing, consisting of the Kentucky Derby, the Preakness and the Belmont; and

WHEREAS, to make possible the acquisition and development of Churchill Downs and its museum which annually attracts 150,000 to 200,000 visitors, and the perpetuation of the Kentucky Derby as the world's preeminent horse race, it is desirable that a state authority be created with the power to acquire, operate, expand and develop Churchill Downs and maintain the Kentucky Derby as the world's preeminent horse racing event;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

(1)(a) A Churchill Downs Authority is hereby created, initially consisting of three (3) prominent citizens and residents of Kentucky to be appointed by the governor, one (1) of whom is an owner and breeder of thoroughbred horses, and all of whom have no official connection with the government of the Commonwealth or Churchill Downs. The foregoing members shall serve as such until the acquisition of Churchill Downs, its real estate, franchises, rights, privileges and other properties by the Authority as an agency of the Commonwealth.

(b) Upon the completion of such acquisition, the then members of the authority shall be replaced by other members thereof as follows: Nine (9) persons to be appointed by the governor, who are residents or owners of real estate located in the Commonwealth and who are of outstanding character, business experience and at least six (6) of whom have knowledge of racing and the affairs of Churchill Downs, and not less than three (3) of whom shall be residents of Jefferson County. The governor shall initially appoint nine (9) persons having such qualifications, two (2) each for staggered terms ranging from one (1) to four (4) years as he may designate and one (1) person for a term of four (4) years.

(c) As such terms expire, the then remaining members of the authority, by majority vote, shall select and submit to the governor for his consideration the names of three (3) qualified nominees to fill each vacancy, one (1) of whom may be a member whose term has expired, from which the governor shall appoint, for a four (4) year term, a member to fill the vacancy.

After all members of the authority appointed as aforesaid have been appointed for a four (4) year term following the expiration of their initial staggered terms, the procedure outlined above shall be continued in filling vacancies of members of the authority as they occur through the expiration of terms.

(d) When and if any member dies, resigns or becomes incapacitated, the then remaining members of the authority, by majority vote, shall select and submit to the governor for his consideration the names of three (3) qualified nominees to fill such vacancy, from which the governor shall appoint a member to fill the vacancy for the unexpired term.

(e) The member shall be a body corporate constituting a public corporation, governmental agency and instrumentality of the Commonwealth by the name of "The Churchill Downs Authority" (herein sometimes referred to as the "authority"), with the perpetual succession and with power in that name to contract and be contracted with, to acquire and convey property, sue and be sued, to have and use a corporate seal, and exercise, in addition to the powers and functions specifically stated in this Act, all of the usual powers of private corporations to the extent that the same are not inconsistent with specifically enumerated powers or limitations upon public corporations.

(2) The members of the authority shall receive no compensation for their services in that capacity, but shall be entitled to reimbursement for all reasonable expenses necessarily incurred in the performance of their duties.

(3) A majority of the members of the authority shall constitute a quorum for the transaction of business, and in the absence of a quorum, one (1) or more members may adjourn from time to time until a quorum is convened.

(4) From among its members, the authority shall annually elect a chairman and a vice-chairman, each to serve for a term of one (1) year and until his successor is elected and accepts his election.

(5) The authority shall elect a president, a secretary and a treasurer, each of whom shall serve for a term of years fixed by contract or an annual term, all terminable for cause deemed sufficient by the authority, and each of whom shall receive such compensation as may be determined by the authority. These officers shall not be members of the authority, but the president and the secretary shall attend all meetings of the authority. The treasurer shall give bond to the authority and the Commonwealth conditioned upon his faithful accounting for all funds coming into his custody from time to time, the same to be in such amount as the authority may prescribe, with corporate surety given by a surety company qualified to do business in the Commonwealth, the premium therefor to be paid by the authority. The authority shall establish and maintain an office at Churchill Downs, and the secretary of the authority shall at all times maintain therein complete records of all of the authority's actions and proceedings, which shall constitute public records open to inspection at reasonable times.

SECTION 2. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

The authority may:

(1) Purchase Churchill Downs, its real estate, franchises, rights, privileges and other properties, and acquire such additional real estate as may become desirable in connection with the activities of Churchill Downs, and may construct, reconstruct, maintain and repair improvements on Chruchill Downs, and operate the same for appropriate purposes, including, but not limited to, holding and conducting horse race meetings for stake, purse or reward, and providing and operating a pari-mutuel system of wagering in accordance with the provisions of KRS Chapter 230 or as may otherwise be authorized by law.

(2) Lease properties and concessions at Churchill Downs not needed by the authority for its current operations and sell such property as is not needed for the future operation of Churchill Downs at its present site.

(3) Make and enter into such contracts and agreements with the Commonwealth of Kentucky or any federal, city or county government, or other person or corporation, as may be necessary or incidental to the performance of its duties and the execution of its powers under this Act.

(4) Employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers and such other employes and agents as may be necessary in the judgment of the authority, and fix their compensation.

(5) Receive and accept from the Commonwealth or any of its departments, any federal agency and the city or county, grants for or in aid of the construction or operation of any project, and receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants and contributions may be made in furtherance of the business of the authority.

(6) Expend any funds provided under the authority of this Act in advertising the facilities, services and projects of the authority.

(7) Do all acts necessary and proper to carry out the powers expressly or impliedly granted in this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

If the authority deems it advisable, it may further develop the museum at Churchill Downs and, in connection therewith, establish a facility and devices through which prior Kentucky Derby and other important races run at Churchill Downs may be exhibited to patrons of Churchill Downs during race meetings and to off-season tourist visitors.

SECTION 4. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

The authority may also conduct or permit the conduct of other athletic and entertainment events at Churchill Downs and the use of its facilities in connection therewith, provided such activities or events do not conflict with or impinge upon the proper operation thereof primarily as a racetrack.

SECTION 5. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

(1) The authority may provide for the issuance of revenue bonds to pay all or any part of the cost of the acquisition of the properties of Churchill Downs or expenses incident thereto referred to in Section 2 of this Act, or any part thereof or interest therein, and secure the payment thereof by a lien on the properties

acquired with the proceeds of the bonds. The bonds shall bear interest at such rate not exceeding ten percent (10%) per annum and shall mature at such time not exceeding fifteen (15) years from their date, as may be provided by the authority, and may be made redeemable before maturity, at the option of the authority, at a price not less than the face amount thereof and accrued interest thereon. The proceeds of the bonds shall be used solely for the payment of the cost of the acquisition of Churchill Downs or expenses incident thereto, and shall be disbursed in such manner and under such restrictions, if any, as the authority may provide in the proceedings authorizing the issuance of the bonds or in the trust indenture securing the same.

(2) Notwithstanding KRS Chapter 56, the authority, in addition to the revenue bonds originally issued for the acquisition of Churchill Downs or expenses incident thereto as provided for in subsection (1) of this section, may issue revenue bonds payable solely from the charges, revenues, rentals and other funds pledged for their payment, for the purpose of paying all or any part of the cost of the acquisition of additional property, the reconstruction of improvements or the erection of additional improvements, but such revenue bonds shall be subordinate to the revenue bonds issued for the original acquisition of Churchill Downs or expenses incident thereto.

(3) Notwithstanding KRS Chapter 56, the authority, in addition to the revenue bonds originally issued for the acquisition of Churchill Downs or expenses incident thereto as provided for in subsection (1) of this section, and for the acquisition of additional property, the reconstruction of improvements or the erection of additional improvements provided for in subsection (2) of this section, may issue revenue bonds payable solely from the charges, revenues, rentals and other funds pledged for their payment, for the purpose of paying all or any part of the cost of further developing the museum at Churchill Downs and establishing a facility for the exhibition of prior Kentucky Derby and other important races held at Churchill Downs as aforesaid, but such revenue bonds shall be subordinate to any then outstanding previously issued revenue bonds.

(4) The authority may agree to or establish any method of interim financing by the authority during the acquisition of additional property, the reconstruction of improvements or the erection of additional improvements hereinbefore provided for and in developing the museum at Churchill Downs and establishing a facility for the exhibition of prior Kentucky Derby and other important races held at Churchill Downs as aforesaid, with borrowed funds from any bank, trust company, or banking institution, such borrowings to be paid from earnings or through the sale of revenue bonds before, during or at completion of such project, but such revenue bonds shall be subordinate to any then outstanding previously issued revenue bonds; and the interest rates, maturities and other provisions shall be such as the authority may at the time of issuance deem to be proper.

(5) If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than the cost for which issued, additional bonds may in like manner be issued to provide the amount of the deficit, and, unless otherwise provided in the proceedings authorizing the issuance of the bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds or any account therein as the authority shall have provided in the proceedings or trust indenture authorizing and securing the bonds.

(6) Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The authority may also provide for the replacement of any bonds that become mutilated or are destroyed or lost.

SECTION 6. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

The issuance of revenue bonds by the authority under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any proceedings or any other conditions or things, except as specifically required by this Act. The provisions of this Act will supersede KRS 56.450 in regard to the sale of revenue bonds by this authority. Utilization may be made by the authority, however, of the provisions of sections of KRS Chapter 58 relating to issuance of revenue bonds for public projects generally in respect to: Form, coupons, denominations, place of payment, signing, facsimile signatures, negotiability and method of sale.

SECTION 7. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

Bonds issued by the authority under the provisions of this Act do not constitute a debt of the Commonwealth or of any political subdivision thereof, or a pledge of the faith and credit of the Commonwealth or of any such political subdivision, but such bonds and the interest thereon shall be payable solely from the funds and security provided therefor under the provisions of this Act, and all such bonds shall contain on the face thereof a statement to that effect.

SECTION 8. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

In the discretion of the authority, any bonds issued under the provisions of this Act may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company in the Commonwealth. If obtainable, insurance adequate to cover the unpaid amount of outstanding revenue bonds shall be carried on the improvements of Churchill Downs. All expenses incurred in carrying out the provisions of such trust indenture or proceedings may be treated as a part of the cost of the operation of the project.

SECTION 9. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

All projects and other property of the authority are hereby declared to be public property devoted to an essential public and governmental function and purpose, and shall be exempt from all taxes and special assessments of the Commonwealth or any political subdivision thereof. All bonds or notes issued pursuant to this Act are hereby declared to be issued by a body corporate and public of the Commonwealth and for an essential public and governmental purpose and such bonds and notes, and the interest thereon and the income therefrom, and all funds, revenues, income and other moneys received or to be received by the authority and pledged or available to pay or secure the payment of such bonds or notes, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes.

SECTION 10. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

By January 30 each year, the authority shall make an annual report of its activities for the preceding calendar year to the governor and to the general assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The authority shall provide for an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof may be treated as a part of the cost of acquisition or operation of the project. Such audits shall be public records within the meaning of KRS 61.870.

Amend printed copy of **HB 766,** page 1, line 22, by deleting the words "Thoroughbred State" and inserting in lieu thereof "Kentucky Horse";

and on page 14, line 17, after the word "thereof" by adding the words: "provided, that the Authority shall annually contribute to Louisville, Jefferson County and the Jefferson County School District an amount equal to the local property taxes Churchill Downs would have paid under private ownership."

The Committee on Judiciary-Statutes reported **HB 651** and **HB 607,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Consent Calendar.

HB 651, AN ACT related to medical records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 422 IS CREATED TO READ AS FOLLOWS:

Medical charts or records of any hospital licensed under KRS 216.430 (or exempt from licensure as provided in that section) that are susceptible to photostatic reproduction may be proved as to foundation, identity and authenticity without any preliminary testimony, by use of legible and durable copies, certified in the manner provided herein by the employe of the hospital charged with the responsibility of being custodian of the originals thereof. Said copies may be used in any trial, hearing, deposition or any other judicial or administrative action or proceeding, whether civil or criminal, in lieu of the original charts or records which, however, the hospital shall hold available during the pendency of the action or proceeding for inspection and comparison by the court, tribunal or hearing officer and by the parties and their attorneys of record.

SECTION 2. A NEW SECTION OF KRS CHAPTER 422 IS CREATED TO READ AS FOLLOWS:

(1) When a subpoena duces tecum is served upon any employe of any hospital, requiring the production of any such medical charts or records at any action or proceeding, it is sufficient if the employe of the hospital charged with the responsibility of being custodian of the original thereof promptly notifies, in writing, the attorney for the party causing service of the subpoena, of the hospital's election to proceed under the provisions of this Act and of the estimated actual and reasonable expenses of reproducing such charts or records. Upon such notification, the attorney causing the service of the subpoena shall notify all other attorneys of record or other parties if they are not represented by attorneys of the hospital's election.

Following such election, the employe of the hospital charged with the responsibility of being custodian of the original charts or records specified in the subpoena shall hold the originals available at the hospital, and upon payment to the hospital of the estimated reproduction expenses by the party causing service of the subpoena, or by any other party, shall promptly deliver, by certified mail or by personal delivery, legible and durable copies, certified by said hospital employe, of all medical charts or records specified in such subpoena to the person specified in the subpoena.

(2) The certification shall be signed before a notary public by the employe of the hospital charged with the responsibility of being custodian of the records and shall include the full name of the patient, the patient's medical record number, the number of pages in the medical record, and a legend substantially to the following effect: "The copies of records for which this certification is made are true and complete reproductions of the original or microfilmed medical records which are housed in (name of hospital). The original records were made in the regular course of business, and it was the regular course of (name of hospital) to make such records at or near the time of the matter recorded. This certification is given pursuant to KRS ---- by the custodian of the records in lieu of his or her personal appearance." Such copies shall be separately enclosed and sealed in an inner envelope or wrapper bearing the legend "Copies of Medical Records," and the title and number of the action or proceeding, the date of the subpoena, the name of the hospital, the full name of the patient, the patient's medical record number and the name and business telephone number of the employe making the certification, and the sealed envelope or wrapper, together with the certification, shall then be enclosed and sealed in an outer envelope or wrapper, and delivered to the requesting party.

(3) When the copies of records are personally delivered, a receipt shall be presented to the person receiving the records for his signature and shall be immediately signed and returned to the person delivering the records. The receipt shall contain the name of the hospital, the full name of the patient, the medical record number of the patient, the date the copies of records were received, and the signature of the person receiving the records. When the copies of records are sent via certified mail, the receipt used by the postal authorities shall be sufficient to prove delivery and receipt of the copies of records.

(4) If the hospital has none of the charts or records specified in the subpoena, or only part thereof, the employe of the hospital charged with the responsibility of being custodian of original hospital charts or records shall so state in a notarized affidavit and, following notice and payment of expenses shall hold available the original charts or records which are in the hospital's custody and specified in the subpoena and shall deliver certified the copies together with the affidavit.

SECTION 3. A NEW SECTION OF KRS CHAPTER 422 IS CREATED TO READ AS FOLLOWS:

The personal attendance of the employe of the hospital charged with the responsibility of being custodian of the original charts or records specified in the subpoena shall be required if the records pertain to a patient treated by a psychiatrist and the hospital has not received within the thirty (30) days preceding service of the subpoena an authorization signed by the patient or his legal guardian permitting the contents of the records to be released. If personal attendance of a witness is required for the reason provided in this section, the hospital may nevertheless elect to substitute true, legible and durable copies of the charts or records specified in the subpoena duces tecum by the giving of a written notice of such election, in which case payment to the hospital of the actual and reasonable expenses of duplication of such charts or records by any party to the proceeding in which the subpoena was issued, or such party's attorney of record, shall be a condition precedent to the personal attendance of any person pursuant to the subpoena, unless otherwise ordered by the court or other body before which said action or proceeding is pending.

SECTION 4. A NEW SECTION OF KRS CHAPTER 422 IS CREATED TO READ AS FOLLOWS:

Any patient whose medical records or charts are copied and delivered pursuant to this Act, any person acting on his behalf, the hospital having custody of such records, or any physician, nurse or other person responsible for entries on such charts or records shall have standing to apply to the court or other body before which the action or proceeding is pending for a protective order denying, restricting or otherwise limiting access and use of such copies or original charts and records. Such patients, persons, hospitals, physicians or nurses who are not parties to the action or proceeding and who wish to apply for a protective order may petition to intervene in the action or proceeding and simultaneously apply for such a protective order.

SECTION 5. A NEW SECTION OF KRS CHAPTER 422 IS CREATED TO READ AS FOLLOWS:

When the copies of records are delivered to a party or his attorney of record for use in a deposition, they shall, after termination of the deposition, be delivered personally or by certified mail to the clerk of the court or other body before which the action or proceeding is pending,and it shall be the responsibility of such party or attorney to transmit the receipt obtained to the employe of the hospital charged with responsibility of being custodian of the original records. When the records are received by the clerk of a court or other body from the hospital or from a party or his attorney of record they shall be retained in the clerk's custody at all times except when actually sued in the action or proceeding. Upon issuance of a final order terminating a case, the copies of the records will be promptly filed by the clerk of the court with all other documents pertaining to the case until such a time as the normal retention period for court records expires. The copies of record shall then be permanently disposed of by the clerk in a manner that protects the confidentiality of the medical information contained therein. Should the case be appealed, the copies of records shall be forwarded to the court of appeal with other documents pertaining to the case and retained and disposed of in the manner previously described.

SECTION 6. A NEW SECTION OF KRS CHAPTER 422 IS CREATED TO READ AS FOLLOWS:
No institution or person shall be held in contempt or otherwise penalized for failure of production unless the business records of the institution indicate that the costs provided herein have been established and tendered. No sanction or remedy for contempt shall be applied against any such person or institution unless a subpoena or order expressly commanding the person's presence has been issued by authority of the court or other body.

SECTION 7. A NEW SECTION OF KRS CHAPTER 422 IS CREATED TO READ AS FOLLOWS:
Nothing contained herein shall be construed to waive the psychiatrist-patient privilege, or to require any such privileged communications to be disclosed.

HB 607, AN ACT to revise and correct the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.031 is amended to read as follows:
The Commonwealth of Kentucky is divided into representative districts as follows:
(1) First District: Ballard, Carlisle, Fulton, and Hickman Counties.
(2) Second District: Graves County.
(3) Third District: That part of McCracken County contained in the city of Paducah.
(4) Fourth District: Livingston County and that part of McCracken County not contained in the Third District.
(5) Fifth District: Calloway County and that part of Trigg County west of Kentucky Highway 139 and including the city of Cadiz.
(6) Sixth District: Lyon and Marshall Counties and Crittenden County except for voting precincts Marion 4, Marion 6, Rosebud 11, and Shady Grove 12.
(7) Seventh District: Union County; that part of Henderson County not contained in the Eleventh District; that part of Daviess County contained in the voting precincts of Pleasure Ridge, Utica, Snyder School, West Louisville, Curdsville, St. Joseph, Rome, Sorgo, Masonville, Stanley, North Town, South Town, Fields, Habit.
(8) Eighth District: That part of Trigg County east of Kentucky Highway 139 but excluding the city of Cadiz; that part of Christian County contained within the following voting precincts: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25.
(9) Ninth District: That part of Christian County contained within the following voting precincts: 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32; that part of Hopkins County contained within the following voting precincts: 14, 16, 17.
(10) Tenth District: Hopkins County except for voting precincts: 14, 16, 17.
(11) Eleventh District: Henderson County, except for the voting precincts of South Corydon, Niagara and Hebbardsville, and that portion of the county lying south of Kentucky Highway 416, beginning at its junction with U.S. 41A and proceeding eastward to its junction with Niagara precinct.
(12) Twelfth District: Caldwell and Webster Counties; that part of Crittenden County not included in the Sixth District; that part of McLean County not contained in the Fifteenth District.
(13) Thirteenth District: That part of Daviess County contained in the city of Owensboro but excluding the following voting precincts: 4, 6, 7, 10, 11, 15, 17, 18, 19, 20, 32.
(14) Fourteenth District: That part of Daviess County not contained in the Seventh District or in the Thirteenth District.
(15) Fifteenth District: Muhlenberg County and that part of McLean County contained in voting precincts: 2, 3, 6, 8.
(16) Sixteenth District: Todd and Logan Counties.
(17) Seventeenth District: Hancock and Ohio Counties and that part of Butler County not contained within the Nineteenth District.
(18) Eighteenth District: Meade County and Breckinridge County except the voting precincts of McDaniels, Glen Dean.

(19) Nineteenth District: Edmonson and Grayson Counties; that part of Breckinridge County contained in voting precincts of McDaniels and Glen Dean; that part of Butler County included in the census county division of Jetson, bounded by Welch Creek, Blacklick School Road, State Highway 411, county line, Green River, Woodbury city limits, Green River, Welch Creek; and including the cities of Morgantown and Woodbury; and including census enumeration district No. 8, bounded by Green River, Morgantown city limits, State Highway 403, Cool Spring Church Road, unnamed road, U.S. Highway 231, Muddy Creek and county line; that part of Hart County contained in voting precincts: 3, 13, 14, 16, 17.

(20) Twentieth District: That part of Warren County containing all of the city of Bowling Green excluding the voting precincts of Reels Garage, Octogan Inn, Green Meadows and Delefield but including the voting precincts of Miller's Bottled Gas, Watts Mill and Mt. Victor.

(21) Twenty-first District: That part of Simpson County contained in the voting precincts of Harristown, Public School, West Door and Prospect Hill and that part of Warren County not contained in the Twentieth District.

(22) Twenty-second District: Allen and Monroe Counties, and that part of Simpson County not contained in the Twenty-first District.

(23) Twenty-third District: Barren County and that part of Metcalfe County containing voting precincts Randolph-Wisdom No. 3, Knob Lick No. 4, Savoyard No. 5, Summer Shade No. 8 and Willow Shade-Beaumont No. 9.

(24) Twenty-fourth District: Larue County; that part of Hart County not contained in the Nineteenth District; that part of Marion County not contained in the Fifty-fourth District.

(25) Twenty-fifth District: That part of Hardin County contained in the voting precincts of Elizabethtown East, Elizabethtown West, Elizabethtown Northeast, Elizabethtown Northwest, Elizabethtown North, Helmwood Heights, Mantle, Valley Creek, City Park, Colesburg, Tunnel Hill, Helm, Chelf, Van Meter, South Dixie, Glendale, Nolin, Sonora, Upton, Melrose and White Mills, and that part of the Fort Knox Military Reservation that lies east of a line beginning at the intersection of the southern boundary of the Fort Knox Military Reservation and State Road 447, and extends northward along State Road 447 and a line extending northward through Pleasant View Cemetery and Fort Hill Cemetery and Fort Hill Cemetery to the Jefferson County line at Salt River.

(26) Twenty-sixth District: That part of Hardin County contained in the voting precincts of Radcliff North, Radcliff South, Radcliff West, Vine Grove North, Vine Grove South, Vine Grove West, Longview, Yates, Rineyville, Howevalley, St. John, Cecilia, East View, Meeting Creek, and Long Grove and that part of the Fort Knox Military Reservation not included in the Twenty-fifth and Twenty-seventh Districts.

(27) Twenty-seventh District: That part of Hardin County not contained in the Twenty-fifth and Twenty-sixth Districts, that part of the Fort Knox Military Reservation whose southern boundary is Chafee Avenue extended westward to the Hardin-Meade County line and eastward to State Road 447, thence northward on State Road 447 and a line extending northward through Pleasant View Cemetery and Fort Hill Cemetery to the Jefferson County line at Salt River and that part of Jefferson County contained in voting precincts C8, C18, C19, C23, C44, C53, C70 and C87 of C District of the county.

(28) Twenty-eighth District: That part of Jefferson County containing voting precincts C7, C31, C33, C40, C43, C45, C47, C56, C57, C58, C65, C66, C72, C73, C78, C79, C82, C90 and C91 of C District of the county.

(29) Twenty-ninth District: That part of Jefferson County containing voting precincts C5, C6, C11, C21, C30, C34, C39, C46, C50, C54, C55, C59, C60, C64, C67, C69, C71, C74, C75, C80, C81, C85, and C94 of C District of the county.

(30) Thirtieth District: That part of Jefferson County containing voting precinct 37 of the Third Ward of the city of Louisville, and voting precincts B7, B10, B13, B14, B15, B18, B19, B21, B22, B24, B38, B42, B43, B48, B54, B58, B64 and B67 of B District of the county.

(31) Thirty-first District: That part of Jefferson County containing voting precincts 16, 17, 19, 26, 29, 34, 35, 36 and 38 of the Second Ward of the city of Louisville; voting precincts A22, A36, A38, A39, A43, A50, A63 and A74 of A District of the county, and voting precincts B4, B5, B6, B9, B17, B27, B28, B35, B39, B45, B55, B56 and B68 of B District of the county.

(32) Thirty-second District: That part of Jefferson County containing voting precincts 3, 4, 5, 6, 7, 9, 10, 13, 14, 20, 21, 23, 24, 25, 27, 28, 29, 30, 32 and 33 of the First Ward; voting precincts 1, 2, 3, 4, 5 and 6 of the Second Ward; voting precincts 1 and 2 of the Third Ward of the city of Louisville, and voting precincts A2, A5, A18, A19, A26, A29, A34, A49, A51, A60 and A73 of A District of the county.

(33) Thirty-Third District: That part of Jefferson County containing voting precincts 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 20, 21, 23, 24, 27, 28, 30, 31, 32 and 33 of the second ward of the city of Louisville; voting precinct A 17 of A District of the county, and voting precincts B1, B2, B3, B29, B30, B31, B33, B34, B59 and B70 of B District of the county.

(34) Thirty-fourth District: That part of Jefferson County containing voting precincts 11, 12, 16, 17 and 19 of the First Ward, and voting precincts 7, 8, 9, 10, 11, 12, 14, 15, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31,

32, 33, 34, 35 and 36 of the third ward, voting precinct 11 of the fifth ward of the city of Louisville, and voting precinct B16 of B District of the county.

(35) Thirty-fifth District: That part of Jefferson County containing voting precincts 17 and 29 of the Third Ward, and voting precincts 5A, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 25, 26, 27, 28, 29, 30, 32, and 33 of the Fourth Ward, voting precincts 10 and 13 of the Eighth Ward of the city of Louisville, and voting precincts B8, B11, B12 and B32 of B District of the county.

(36) Thirty-sixth District: That part of Jefferson County containing voting precinct 15 of the First Ward; voting precincts 13 and 16 of the Third Ward; voting precincts 21 and 23 of the Fourth Ward; voting precincts 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of the Fifth Ward, voting precincts 9, 11, 12 and 14A of the Eighth Ward of the city of Louisville.

(37) Thirty-seventh District: That part of Jefferson County containing voting precinct 34 of the Fourth Ward, voting precincts 4, 6, 7, 8, 9, 10, 11, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 29 of the Sixth Ward, and voting precincts 6, 8 and 9 of the Seventh Ward, voting precinct 16 of the Eighth Ward of the city of Louisville, and voting precincts C24 and C88 of C District of the county.

(38) Thirty-eighth District: That part of Jefferson County containing voting precincts 12, 13, 15, 16, 27, 28, 30, 31, and 32 of the Sixth Ward, voting precincts 3A, 5, 7, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the Seventh Ward of the city of Louisville.

(39) Thirty-ninth District: That part of Jefferson County containing voting precincts 1, 2 and 31 of the First Ward, voting precincts 2, 3, and 4 of the Fifth Ward, voting precinct 5 of the Sixth Ward, voting precincts 1, 2, 3, 4, 5, 6, 7, 8 and 15 of the Eighth Ward, and voting precinct 21 of the Ninth Ward, voting precincts 3, 18, 19 and 27 of the Tenth Ward of the city of Louisville.

(40) Fortieth District: That part of Jefferson County containing voting precincts 2 and 4 of the Seventh Ward, voting precincts 17, 18, 19, 20 and 21 of the Eighth Ward, voting precincts 8, 10, 11, 12, 13, 14A, 15A, 16, 17 and 18 of the Ninth Ward, and voting precincts 22, 23, 24, 25 and 26 of the Tenth Ward of the city of Louisville, and voting precincts C9, C25, C27, C35, C51, C63 and C68 of C District of the county.

(41) Forty-first District: That part of Jefferson County containing voting precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21 and 28 of the Tenth Ward, voting precincts 1, 5, 9, 18, 19, 20 and 21A of the Eleventh Ward of the city of Louisville.

(42) Forty-second District: That part of Jefferson County containing voting precincts 1, 2, 3, 4, 5, 6, 7A, 9, 19 and 20 of the Ninth Ward, voting precincts 8, 10, 11, 12, 13, 14, 15, 16 and 17 of the Eleventh Ward, and voting precincts 21, 22, 23, 24 and 25 of the Twelfth Ward of the city of Louisville.

(43) Forty-third District: That part of Jefferson County containing voting precincts 2, 3, 4, 6 and 7 of the Eleventh Ward, and voting precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11A, 12, 13, 14, 15, 16A, 17, 18, 19 and 20 of the Twelfth Ward of the city of Louisville.

(44) Forty-Fourth District: That part of Jefferson County containing voting precincts C1, C2, C3, C4, C10, C13, C15, C20, C26, C28, C29, C36, C37, C38, C41, C48, C49, C52, C62, C76, C77, C86, C92 and C93 of C District of the county.

(45) Forty-fifth District: That part of Jefferson County containing voting precincts B23, B63, and B66 of the B District of the county; voting precincts C12, C14, C16, C17, C22, C32, C42, C61, C83, C84 and C89 of C District of the county.

(46) Forty-sixth District: That part of Jefferson County containing voting precincts B20, B25, B26, B36, B37, B40, B41, B44, B46, B47, B49, B50, B51, B52, B53, B57, B60, B61, B62, B65 and B69 of B District of the county.

(47) Forty-seventh District: That part of Jefferson County containing voting precincts A4, A6, A8, A12, A13, A15, A16, A20, A21, A23, A24, A25, A27, A28, A31, A32, A33, A35, A37, A41, A42, A45, A46, A53, A58, A64, A68, A69, A71, A72, A77, A80 and A81 of A District of the county.

(48) Forty-eighth District: That part of Jefferson County containing voting precincts A1, A3, A7, A9, A10, A11, A14, A30, A40, A44, A47, A48, A52, A54, A55, A56, A57, A59, A61, A62, A65, A66, A67, A70, A75, A76, A78 and A79 of A District of the county.

(49) Forty-ninth District: Bullitt and Spencer Counties.

(50) Fiftieth District: Nelson County; that part of Washington County not contained in the Fifty-fourth District; that part of Anderson County contained in voting precincts 10, 11.

(51) Fifty-first District: Green and Taylor Counties, and that part of Metcalfe County not contained in the Twenty-third District.

(52) Fifty-second District: Adair and Casey Counties and that part of Russell County not contained in the Fifty-third District.

(53) Fifty-third District: Wayne, Clinton and Cumberland Counties; that part of Russell County contained within the county census division of Eli bounded by: State Highway 80; county line, Lake Cumberland, Caney Creek, Caney Fork, Clear Fork, Dunbar Trail, Dunbar Road, West Wilson Road, State Highway 80, that part of Russell County contained within the county census division of Bryan bounded by: State Highway 92, Greasy Creek, Bethel Creek Fork, Blankenship Road, State Highway 55, Helen Road, State

Highway 35, county line.

(54) Fifty-fourth District: Boyle County; that part of Marion County contained in voting precincts 1, 2, 3; that part of Washington County contained in voting precincts 5, 6, 7, 8, 9, 10.

(55) Fifty-fifth District: Garrard and Mercer Counties; that part of Anderson County not contained in the Fiftieth District.

(56) Fifty-sixth District: Jessamine and Woodford Counties.

(57) Fifty-seventh District: Franklin County.

(58) Fifty-eighth District: Henry and Shelby Counties.

(59) Fifty-ninth District: Carroll, Gallatin, Oldham, and Trimble Counties.

(60) Sixtieth District: Boone County.

(61) Sixty-first District: Bracken, Grant and Owen Counties and Pendleton County except for the voting precincts of Bonar and Sandsuck.

(62) Sixty-second District: Harrison and Scott Counties.

(63) Sixty-third District: That part of Kenton County containing the following voting precincts: Crestview, Edgewood 1, 2 and 3; Elsmere 4; Erlanger 1, 2, 3 and 7; Fort Mitchell 1, 2, 3, 4, 5 and 6; Fort Wright 1, 2, 3, 4 and 5; Lakeside Park 1, 2 and 3; Park Hills 1, 2 and 3; and Sandfordtown.

(64) Sixty-fourth District: That part of Kenton County containing the following voting precincts: Bracht, Cherokee, Covington 26, 27, 29, 30, 40, 41, 42 and 43, Decoursey, Independence 1 and 2, Morningview, Nicholson, Oakridge, Piner, Richardson, Taylor Mill 1 and 2, Visalia, Whites Tower, Winston Park.

(65) Sixty-fifth District: That part of Kenton County containing the following voting precincts: Covington 12, 14, 15, 17, 18, 19, 20, 20A, 23, 24, 25, 31, 33, 34, 35, 36 and 39.

(66) Sixty-sixth District: That part of Kenton County containing the following voting precincts: Covington 6, 7, 10, 10A and 13, Bromley, Crescent Springs, Elsmere 1, 2 and 3, Erlanger 4, 5, 6, 8 and 9, Ludlow 1, 2, 3, 4 and 5, Villa Hills 1 and 2.

(67) Sixty-seventh District: That part of Campbell County containing all of the voting precincts in the city of Newport, the city of Wilder, the city of Southgate except voting precinct Southgate B; that part of Kenton County containing voting precincts Covington 1, 3.

(68) Sixty-eighth District: That part of Campbell County containing all the voting precincts in the city of Bellevue; all the voting precincts in the city of Dayton; voting precincts A, B, C, D, E, G, L and P in the city of Fort Thomas and the voting precincts of Woodlawn, Brent, Crestview, Silver Grove, Hayfield, Carthage, Camp Springs and Melbourne.

(69) Sixty-ninth District: That part of Campbell County not contained in the Sixty-seventh and Sixty-eighth Districts; that part of Pendleton County contained in the voting precincts of Bonar and Sandsuck.

(70) Seventieth District: Mason and Robertson Counties; that part of Fleming County not in the Seventy-fourth District; that part of Rowan County contained in census enumeration district 3 bounded by Bath County line, Triplett Creek, Morehead city limits, Kentucky Highway 32, Fleming County line.

(71) Seventy-first District: Morgan and Menifee Counties; that part of Rowan County not contained in the Seventieth District; the Northern part of Wolfe County bounded by Kentucky Highway 15, Campton City limits, Kentucky Highway 746, Mountain Parkway Extension, Morgan County line, Menifee County line, Powell County line, including the city of Campton.

(72) Seventy-second District: Bourbon County and that part of Fayette County not contained in the Seventy-fifth District, the Seventy-sixth, Seventy-seventh, Seventy-eighth and Seventy-ninth Districts.

(73) Seventy-third District: Clark and Powell Counties.

(74) Seventy-fourth District: Bath, Nicholas and Montgomery Counties, and that part of Fleming County contained in census enumeration district 9 bounded by county line, Three Mile Run, State Highway 1325 (Three Mile Road), Cane Road, State Highway 1123 (Peck's Ridge Road), State Highway 57, Craintown Road, and State Highway 32 westward to county line.

(75) Seventy-fifth District: That part of Fayette County contained within the following described boundaries: Beginning at the intersection of South Broadway and Mason Headley Road; then with the center line of South Broadway in a northeastwardly direction to the intersection of South Broadway and Virginia Avenue; then in a northwestwardly direction with the western boundary of the Kentucky Trotting Horse Breeders Association property (Red Mile) to the Versailles Pike across from the intersection of Forbes Road; then in a generally northwardly direction with the center line of Forbes Road to its intersection with the Old Frankfort Pike to its intersection with Leestown Pike (West Main Street); then in a southeastwardly direction with the center line of West Main Street to its intersection with Newtown Pike; then in a northwestwardly direction with the center line of Newtown Pike to its intersection with West Fourth Street; then in a southeastwardly direction with the center line of West Fourth Street to the Louisville and Nashville Railroad Company crossing; then in a northeastwardly direction with the center line of the right-of-way of the Louisville and Nashville Railroad Company to its crossing of the Russell Cave Pike (Ky 353); then in a generally southwardly direction along the center line of the Russell Cave Pike to Louden Avenue; then in a southeastwardly direction with the center line of Louden Avenue to its intersection with Maple Avenue; then in

a southeastwardly direction with the center line of Maple Avenue to its intersection with East Seventh Street and in a southeastwardly direction along the center line of East Seventh Street to its intersection with Shropshire; then in a southwestwardly direction with the center line of Shropshire Avenue to East Sixth Street and in a northwestwardly direction with the center line of East Sixth Street to its intersection with Pemberton; then in a southwestwardly direction with the center line of Pemberton to its intersection with East Fifth Street; then in a southeastwardly direction with the center line of East Fifth Street to its intersection with Race Street and in a southwestwardly direction with the center line of Race Street to its intersection with East Third Street; then in a southeastwardly direction with the center line of East Third Street to its intersection with Walton Avenue; then in a southwestwardly direction with the center line of Walton Avenue to its intersection with East Main Street and in a northwestwardly direction with the center line of East Main Street to its intersection with Ransom Avenue; then in a southwestwardly direction with the center line of Ransom Avenue to its intersection with East High Street and in a generally southwardly direction with the center line of East High Street to its intersection with Sunset, then in a northwestwardly direction with the center line of Sunset to Lafayette Avenue and continuing along the center line of Columbia (Sunset) to its intersection with Woodland Avenue and in a southwestwardly direction with the center line of Woodland Avenue to its intersection with Huguelet and in a northwestwardly direction along the center line of Huguelet to its intersection with Rose Street and in a southwestwardly direction with the center line of Rose Street to its intersection with South Limestone; then continuing in a southwestwardly direction along the center line of South Limestone to its intersection of Waller Avenue and then in a northwestwardly direction along the center line of Waller Avenue to its intersection with South Broadway and the Mason Headley Road, the point of beginning.

(76) Seventy-sixth District: That part of Fayette County contained within the following boundaries: Beginning at the intersection of East Third Street and Race Street; then in a southeastwardly direction along the center line of East Third Street to a point opposite the northwest property line of Richmond Avenue; then in a southwestwardly direction with said property line of Richmond Avenue to East Main Street and then in a southeastwardly direction along the center line of East Main Street to its intersection with Henry Clay Boulevard; then in a northeastwardly direction with the center line of Henry Clay Boulevard to its intersection with Menifee Avenue and in a southeastwardly direction with the center line of Menifee Avenue to a point in the southeast property line of Holiday Road; then with said property line of Holiday Road to the Chesapeake and Ohio Railroad tracks; then in a southeastwardly direction with the right-of-way of the Chesapeake and Ohio Railroad to the New Circle Road (Ky 4); then in a generally northwardly direction along the center line of the New Circle Road to its intersection with the Winchester Pike (US 60); then in a generally eastwardly direction with the center line of the Winchester Pike to its intersection with Interstate 64-75; then in a northwestwardly direction with the right-of-way of Interstate 64-75 to its overpass on the Russell Cave Pike (Ky 353); then in a southwestwardly direction with the center line of Russell Cave Pike to its intersection with the New Circle Road; then in a southeastwardly direction with the center line of New Circle Road to its intersection with the Old Paris Pike (North Limestone); then in a southwestwardly direction with the center line of North Limestone to its intersection with Carlisle Avenue; then in a southeastwardly direction along the center line of Carlisle Avenue to its intersection of Bryan Avenue; then in a southwestwardly direction with the center line of Bryan Avenue to its intersection with Louden Avenue; then in a southeastwardly direction with the center line of Louden Avenue to its intersection with Maple Avenue; then in a southwestwardly direction with the center line of Maple Avenue to East Seventh Street; then in a southeastwardly direction along the center line of East Seventh Street to Shropshire; then in a southwestwardly direction along the center line of Shropshire to East Sixth Street; then in a northwestwardly direction along the center line of East Sixth Street to Pemberton; then in a southwestwardly direction the center line of Pemberton to East Sixth Street; then in a southeastwardly direction with the center line of East Fifth Street to Race Street; then in a southwestwardly direction along the center line of Race Street to its intersection with East Third Street, the point of beginning.

(77) Seventy-seventh District: That part of Fayette County contained within the following boundaries: Beginning at the intersection of the Versailles Road (US 60) and the New Circle Road (Ky 4); then with the New Circle Road in a generally northeastwardly direction to the following intersections: Old Frankfort Pike, Leestown Pike, Georgetown Pike, Newtown Pike, Russell Cave Pike and North Broadway to its intersection with the Old Paris Pike (North Limestone); then in a southwestwardly direction along the center line of North Limestone to Carlisle Avenue; then in a southeastwardly direction with the center line of Carlisle Avenue to Bryan Avenue; then in a southwestwardly direction with the center line of Bryan Avenue to its intersection with Louden Avenue and in a northwestwardly direction with the center line of Louden Avenue to its intersection with Russell Cave Pike and in a generally northwardly direction with the center line of the Russell Cave Pike to the Louisville and Nashville Railroad crossing; then in a southwestwardly direction with the right-of-way with the Louisville and Nashville Railroad to West Fourth Street; then in a northwestwardly direction along the center line of West Fourth Street to the Newtown Pike and in a southwestwardly direction the center line of the Newtown Pike to West Main Street; then in a northwestwardly direction with West Main Street (Leestown Pike) to Forbes Road; then in a southwestwardly direction the center line of Forbes Road to the

Versailles Road and across the Versailles Road and along the western property line of the Kentucky Trotting Horse Breeders Association (Red Mile) to South Broadway and in a southwestwardly direction along the center line of South Broadway to Clays Mill Road and continuing in a southwestwardly direction along the center line of Clays Mill Road to Longview Drive; then in a northwestwardly direction along the center line of Longview Drive to the Harrodsburg Road; then in a northeastwardly direction along the center line of the Harrodsburg Road to the Lane Allen Road and in a northwestwardly direction along the center line of Lane Allen Road to Garden Springs Drive; then in a southwestwardly direction along the center line of Garden Springs Drive to Cypress Drive; then in a southeastwardly direction along Cypress Drive to Poppy Lane; then in a southwestwardly direction along a line extended from the end of Poppy Lane to the point opposite Aster Road and in a southeastwardly direction along a line extending from the end of Aster Road to the Harrodsburg Road and in a southwestwardly direction along the center line of the Harrodsburg Road to the New Circle Road and in a northwestwardly direction along the center line of New Circle Road to a point opposite the center line of Lansill Road and in a northeastwardly direction along the center line of Lansill Road to a point on the Lane Allen Road; then continuing in a northeastwardly direction along the center line of Traveller Road to the northwest property line of Antietam Road; then in a generally northwardly direction along the line between the rear property lines of Traveller Road and Alexandria Drive to the Parkers Mill Road; then continuing in a generally northwardly direction along the center line of the Parkers Mill Road to Versailles Road; then in a westwardly direction along the center line of Versailles Road to the New Circle Road, the point of beginning.

(78) Seventy-eighth District: That part of Fayette County contained within the following boundaries: Beginning on Versailles Pike (US 60) at the Woodford County line; then eastwardly with the center line of the Versailles Pike to the intersection with the New Circle Road, then continuing along the Versailles Pike to Parkers Mill Road; then in a generally southwardly direction along the center line of Parkers Mill Road and continuing in a southerly direction along the rear property lines of Traveller Road and Alexandria Drive to the northwestwardly property line of Antietam Road and in a southwestwardly direction with said property line of Antietam Road to the center line of Traveller Road and with the center line of Traveller Road to the Lane Allen Road; then in a southwestwardly direction to the center line of Lansill Road, continuing along the center line of Lansill Road and on to New Circle Road and in a southeastwardly direction along the center line of the New Circle Road to the Harrodsburg Road and in a northeastwardly direction along the center line to the Harrodsburg Road to a point opposite Aster Road and in a northwestwardly direction along a line to a point opposite Poppy Lane; then in a northeastwardly direction along a line to the end of Poppy Lane and continuing on the center line of Poppy Lane to Cypress Drive; then in a northwestwardly direction along the center line of Cypress Drive to Garden Springs Drive; then in a northeastwardly direction along the center line of Garden Springs Drive to Lane Allen Road; then in a southeastwardly direction along the center line of Lane Allen Road to the Harrodsburg Road and in a southwestwardly direction along the center line of the Harrodsburg Road to Longview Drive; then in a southeastwardly direction along the center line of Longview Drive to Clays Mill Road; then in a northeastwardly direction along the center line of Clays Mill Road to Harrodsburg Road continuing in a northeastwardly direction along the center line of the Harrodsburg Road to its intersection of Waller Avenue; then in a southeastwardly direction along the center line of Waller Avenue to South Limestone; then in a northeastwardly direction along the center line of North Limestone to Rose Street continuing in a northeastwardly direction along the center line of Rose Street to Huguelet, then in a southeastwardly direction along the center line of Huguelet to Woodland Avenue; then in a northeastwardly direction along the center line of Woodland Avenue to Columbia Avenue; then in a southeastwardly direction along the center line of Columbia Avenue to Lafayette Avenue and continuing along the center line of Sunset (Columbia Avenue) to the Tates Creek Pike; then in a generally southerly direction along the center line of Tates Creek Pike to Lansdowne Drive; then in a southwestwardly direction along the center line of Lansdowne Drive to Zandale Drive; then in a northwestwardly direction along the center line of Zandale Drive to South Limestone (Nicholasville Pike); then in a southwestwardly direction along the center line of Nicholasville Pike to the Wilson-Downing Road; then in a southeastwardly direction along the center line of the Wilson-Downing Road to the Tates Creek Pike (Ky 1974); then in a generally southerly direction along the center line of the Tates Creek Pike to the Fayette County line; then along the Fayette County line in a generally northwestwardly direction to the Versailles Pike (US 60), the point of beginning.

(79) Seventy-ninth District: That part of the county of Fayette contained within the following boundaries: Beginning at the Kentucky River at the landing of Tates Creek Pike; then in a generally northwestwardly direction along the center line of the Tates Creek Pike to the Wilson-Downing Road; then continuing in a northwestwardly direction along the center line of the Wilson-Downing Road to the Nicholasville Road and in a northeastwardly direction along the center line of the Nicholasville Road (South Limestone) to Zandale Drive; then in a southeastwardly direction along the center line of Zandale Drive to Lansdowne Drive; then in a northeastwardly direction along the center line of Lansdowne Drive to Tates Creek Pike; then in a generally northwardly direction along the center line of Tates Creek Pike (East High Street) to Ransom Avenue and in a northeastwardly direction along the center line of Ransom Avenue to East Main Street and in a southeastwardly direction along the center line of East Main Street to Walton Avenue, then in

a northwestwardly direction along the center line of Walton Avenue to East Third Street; then in a southeastwardly direction along the center line of East Third Street to a point opposite the northwestern property line of Richmond Avenue; then in a southwestwardly direction along said property line of Richmond Avenue to East Main Street and in a southeastwardly direction with the center line of East Main Street to Henry Clay Boulevard and in a northeastwardly direction with the center line of Henry Clay Boulevard to Menifee Avenue and in a southeastwardly direction along the center line of Menifee Avenue to a point in the southeastern property line of Holiday Road; then in a northeastwardly direction along said property line of Holiday Road to the Chesapeake and Ohio Railroad tracks and in a southeastwardly direction with the right-of-way of the Chesapeake and Ohio Railroad to the New Circle Road; then in a generally northerly direction along the center line of the New Circle Road to the Winchester Pike (US 60) and in a generally eastwardly direction along the Winchester Pike to the Interstate 64-75 interchange; then in a northwestwardly direction with the right-of-way of Interstate 64-75 to the Bryan Station Pike (Ky 956) and in a northwestwardly direction along the center line of the Bryan Station Pike to the Muir Station Pike; then in a southeastwardly direction along center line of the Muir Station Pike to the Briar Hill Pike; then in a northeastwardly direction along the center line of the Briar Hill Pike to the Bourbon County line; then following the Fayette County line in a generally southerly direction to the Kentucky River and along the Kentucky River to the Tates Creek Pike, the point of beginning.

(80) Eightieth District: Lincoln and Rockcastle Counties and that part of Pulaski County contained within the following voting precincts: Eubank 25, Estesburg 26, Hazeldell 27, Good Hope 28 and Catron 31.

(81) Eighty-first District: That part of Madison County not contained in the Eighty-fourth District.

(82) Eighty-second District: Whitley County; that part of McCreary County contained within the county census division of Pine Knot bounded by: Blue Heron Road extended, Blue Heron Road, State Highway 742, U. S. Highway 27, Laurel Creek, Marsh Creek, Duck Run, county line, state line, South Fork Cumberland River; that part of McCreary County contained within the County Census Division of Cooperative bounded by: South Fork Cumberland River, state line, county line; that part of McCreary County contained within the county census division of Stearns bounded by: Lick Creek, Bridge Fork, Laurel Creek, U. S. Highway 27, State Highway 742, Blue Heron Road, Blue Heron Road extended, South Fork Cumberland River.

(83) Eighty-third District: That part of Pulaski County not contained in the Eightieth District.

(84) Eighty-fourth District: Estill and Jackson Counties and that part of Madison County contained in the city of Berea and in voting precincts 19 and 20.

(85) Eighty-fifth District: Laurel County and that part of McCreary County not contained in the Eighty-second District.

(86) Eighty-sixth District: Knox County; that part of Clay County contained in voting precincts 1, 8, 12, 13, 14, 15.

(87) Eighty-seventh District: Bell County and that part of Harlan County contained in voting precinct Pathfork 41.

(88) Eighty-eighth District: That part of Harlan County not contained in the Eighty-seventh and Ninetieth Districts.

(89) Eighty-ninth District: Breathitt and Lee Counties and that part of Wolfe County not contained in the Seventy-first District, and that part of Perry County contained in census county division of Big Creek, Blue Diamond Buckhorn, Yerkes-Busy and Krypton lying north and east of the following boundary: Leslie County line, Big Creek-Right Fork Divide, Buffalo Fork Big Creek-Buffalo Creek Divide, Brown's Fork-Buffalo Creek Divide, Messer Branch-Davidson Branch Divide, Happy Hollow, Hazard City limits, Walker Branch-North Fork Kentucky River Divide; Laurel Fork-Lost Creek-First Creek Divide, Sixteenmile Creek-Lower Second Creek Divide, Lost Creek, Grapevine Creek Divide, Tenmile Creek-Grapevine Creek Divide, Breathitt County line, Owsley County line, and Clay County line.

(90) Ninetieth District: Leslie and Owsley Counties, and that part of Harlan County contained in the voting precincts of Pine Mountain-Big Laurel No. 11, Bledsoe No. 12, New Baxter No. 9, Old Baxter No. 8, School House Loyall No. 35, City Hall Loyall No. 34, Rio Vista No. 36, and Putney No. 10, and that part of Clay County contained in voting precincts 2, 3, 4, 5, 6, 7, 9, 10, 11.

(91) Ninety-first District: That part of Perry County not contained in the Eighty-ninth district, and that part of Letcher County not contained in the Ninety-second District.

(92) Ninety-second District: Knott and Magoffin Counties; that part of Letcher County contained in census county division of Blackey, Colson, Fleming-Neon, and census enumeration districts 21 and 22, lying northwest of the following boundary: Perry County line, Turkey Creek-Defeated Creek Divide, Whittaker Branch Road, Tolson Branch Road, Kentucky Highway 588, Mills Branch Road, Mills Branch Spur Road, Rockhouse Creek-Smoot Creek Divide, Kentucky Highway 15, Smoot Creek-Dry Fork Divide, Rockhouse Creek-North Fork Kentucky River Divide, Millstone Creek Road, Kentucky Highway 803, State Highway 113, North Fork Kentucky River, U. S. Highway 119, Seco city limits, U.S. Highway 119, Jenkins city limits, McRoberts city limits, Fleming city limits, and from Hemphill-Jackhorn P.O. due north to Pike County line, including the cities of Seco and Fleming.

(93) Ninety-third District: That part of Pike County contained in voting precincts Caney 20, Yeager 21, Old Shelby 22, Long Fork 23, Dorton 24 and Elmwood in district 2; Marrowbone 30, Rockhouse 31, Henry Clay 32, Hellier 33, Ashcamp 34 and Rasnick 35 in district 3; Millard 40, Lick Creek 42, Grapevine 43, and Garden Village 46 in district 4; Raccoon 51 in district 5; Peter 70, Blackberry 71; Knox 72, Freeburn-Cline 73, Wolford 74, Bluesprings 75, Majestic 76 in district 7; Mouthcard 80, Upper Elkhorn 81, Elkhorn City Hall 82, Belcher 83, Feds Creek 84, Looney 85 in district 8.

(94) Ninety-fourth District: That part of Pike County not contained in the Ninety-third District; that part of Floyd County not contained in the Ninety-fifth District.

(95) Ninety-fifth District: Floyd County except for the voting precincts Herold, Toler Creek, Antioch, Branhams Creek, Head of Mud, Tickey.

(96) Ninety-sixth District: Carter and Lewis Counties.

(97) Ninety-seventh District: Johnson and Martin Counties, and that part of Lawrence County contained in voting precincts 7, 9, 10, 11, 12, 13 and 14.

(98) Ninety-eighth District: That part of Greenup County not contained in the Ninety-ninth District.

(99) Ninety-ninth District: Elliott County; that part of Lawrence County contained in voting precincts 1, 2, 3, 4, 5, 6 and 8; that part of Boyd County containing the following voting precincts: Court House 1, City Building 2, Argo 3, Hampton 4, Rockdale 5, England Hill 7, Durbin 8, East Fork 9, Cannonsburg 10, Princess 11, Garner 12, Hoods Creek 13, Fairview 14, Buckley 15, Westwood 16, Millseat 17; that part of Greenup County contained in census enumeration district 10, known as Bellefonte City, bounded by county line, Country Club Drive (State Highway 693) to its junction with State Highway 1725, then southeasterly to the county line.

(100) One hundredth District: That part of Boyd County not contained in the Ninety-ninth District.

Section 2. KRS 6.011 is amended to read as follows:

The Commonwealth of Kentucky is divided into senatorial districts as follows:

(1) First District: Carlisle, Hickman, Fulton, Graves and Calloway Counties and that part of the County of Marshall contained within voting precincts Brewers, Hardin, South Marshall and West Marshall.

(2) Second District: Ballard and McCracken Counties, and Marshall County except for voting precincts Brewers, Hardin, South Marshall and West Marshall.

(3) Third District: Christian, Lyon, Todd and Trigg Counties and that part of Muhlenberg County contained in the County Census Division of Rosewood bounded by: Cave Springs Road, State Highway 1473, Pond Creek, State Highway 1163; State Highway 973, State Highway 1472, Unnamed road; County line; County line, Cave Springs Road. That part of Muhlenberg County contained in the County Census Division of Penrod bounded by: State Highway 70; County line; County line; Unnamed road, State Highway 1472, State Highway 973, Belton-Rosewood Road, Belton-Ennis Road.

(4) Fourth District: Crittenden, Henderson, Livingston, Union and Webster Counties and that part of Daviess County contained within the County Census Division of West Louisville bounded by: Panther Creek, State Highway 81, County line, County line.

(5) Fifth District: Ohio, Breckinridge, Meade, Grayson and Hart Counties and that part of Hardin County contained within the County Census Division of Summit bounded by: State Highway 86, Vertrees Creek, the Old Hardinburg Road, Howe Valley-H. Goodman Road, State Highway 86, Les Horn Road, Knachy Pike-Stephensburg Road, U.S. Highway 62, State Highway 84, Western Kentucky Turnpike, County line, County line.

(6) Sixth District: Caldwell, Hopkins and McLean Counties and that part of Muhlenberg County not contained in the Third District.

(7) Seventh District: That part of the County of Jefferson contained within the following voting precincts: Seventh Ward of Louisville 18, 21, 22, 23; C District 5, 6, 7, 8, 11, 18, 19, 21, 30, 31, 33, 34, 39, 40, 43, 44, 45, 46, 47, 50, 53, 54, 55, 56, 57, 58, 59, 60, 62, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 85, 87, 90, 91, 93, 94.

(8) Eighth District: Hancock County and that part of Daviess County not contained in the Fourth District.

(9) Ninth District: Simpson, Allen, Barren, Metcalfe, Monroe and Edmonson Counties and that part of Butler County contained in the County Census Division of Jetson bounded by: Welch Creek, Blacklick School Road, State Highway 411, County line, County line, Green River, Woodbury city limits, Green River, Welch Creek (this division excludes Woodbury city). That part of Butler County contained in the County Census Division of Welchs Creek bounded by: County line, State Highway 411, Blacklick School Road, Welch Creek; Welch Creek, Green River, Morgantown city limits, Green River; Green River, County line (this division excludes Morgantown city).

(10) Tenth District: That part of Hardin County not contained in the Fifth District, that part of Larue County not contained in the Fourteenth District.

(11) Eleventh District: Campbell County except the voting precincts of Grants Lick A, Grants Lick B, Gubser Mill, Mentor, Carthage, California and Dry Ridge.

(12) Twelfth District: That part of the County of Fayette not contained in the Thirteenth District or in the Thirtieth District.

(13) Thirteenth District: That part of the County of Fayette contained within the following boundaries: Beginning at the intersection of the Versailles Road (US 60) and New Circle Road (KY 4), then with New Circle Road in a generally northeastwardly direction through the following intersections, Old Frankfort Pike, Leestown Pike, Georgetown Pike, Newtown Pike, Russell Cave Pike, North Broadway, Old Paris Pike, Bryan Station Pike, Winchester Pike and Liberty Road, then to the overpass of the Chesapeake and Ohio Railroad, then in a northwestwardly direction along the Chesapeake and Ohio Railroad track to a point opposite the southeast property line of Holiday Road then in a southwestwardly direction along said property line of Holiday Road to a point opposite the center line of Menifee Avenue; then in a northwestwardly direction along the center line of Menifee Avenue to Henry Clay Boulevard; then in a southwestwardly direction along the center line of Henry Clay Boulevard to Fairway Drive, then along Fairway Drive to Richmond Road, then in a northwestwardly direction along the center line of the Richmond Road to Ashland Avenue, then in a southwestwardly direction along the center line of south Ashland Avenue to the intersection of East High Street, then in a generally southerly direction with the center line of East High Street to Cooper Drive, then a northwestwardly direction along the center line of Cooper Drive, through the intersection of Cooper Drive and Nicholasville Road then continuing with Waller Avenue (Cooper Drive) to the intersection on Harrodsburg Road (US 68), then southwestwardly along the center line of Harrodsburg Road to the intersection of Lane Allen Road, then along the center line of Lane Allen Road in a northwestwardly direction to the intersection of Traveller Road then along the center line of Traveller Road to the northwest property line of Antietam Road then along the rear property lines of Traveller Road and Alexandria Drive to Parkers Mill Road, then continuing in a northwestwardly direction along the center line of Parkers Mill Road to the Versailles Road then along the center line of the Versailles Road in a westwardly direction to the intersection of the New Circle Road, the place of beginning.

(14) Fourteenth District: Boyle, Nelson, Washington, Marion and Anderson Counties and that part of Larue County contained in the County Census Division of Buffalo bounded by: State Highway 84, County line; County line; County line, Morvin Allen Road, State Highway 61, Benningfield Road, U.S. Highway 31 E., J. I. Hutcheson Road; State Highway 698, U.S. Highway 31 E., Buffalo city limits, including Buffalo city, State Highway 470, U.S. Highway 31 E.

(15) Fifteenth District: Casey, Lincoln, Pulaski and Rockcastle Counties and that part of McCreary County not contained in the Sixteenth District.

(16) Sixteenth District: Green, Taylor, Adair, Cumberland, Russell, Clinton and Wayne Counties; that part of McCreary County contained in the County Census Division of Co-Operative bounded by: South Fork Cumberland River; South Fork Cumberland River; State line; County line; that part of McCreary County contained in the County Census Division of Stearns bounded by: Lick Creek, Bridge Ford; Laurel Creek, Laurel Creek; U.S. Highway 27, State Highway 742, Blue Heron Road, Blue Heron Road extended; South Fork Cumberland River.

(17) Seventeenth District: Bell and Harlan Counties; that part of Whitley County not contained in the Twenty-first District.

(18) Eighteenth District: Greenup, Carter, Lewis and Mason Counties.

(19) Nineteenth District: That part of the County of Jefferson contained within the following voting precincts: Second Ward of Louisville 14, 24, 28; Third Ward of Louisville 35, 36, 37; Fourth Ward of Louisville 14, 15, 16, 17, 18, 19, 28, 29, 32; B District 11, 12, 15, 19, 21, 25, 32, 33, 40, 41, 42, 46, 48, 49, 57, 58, 62, 63, 69; C District 12, 14, 16, 17, 22, 23, 24, 32, 42, 61, 70, 83, 84, 88, 89.

(20) Twentieth District: Franklin, Shelby, Bullitt and Spencer Counties.

(21) Twenty-first District: Clay, Laurel, Leslie and Knox Counties; that part of the County of Whitley contained within the City of Corbin, except for voting precinct Corbin 15.

(22) Twenty-second District: Madison, Mercer, Garrard and Jessamine Counties.

(23) Twenty-third District: That part of the County of Kenton contained within the following voting precincts: the City of Covington in its entirety; Ludlow 1, 2, 3, 4, 5; Bromley; Villa Hills 1, 2; Crescent Springs; Erlanger 1, 2, 3, 4, 5, 6, 7, 8, 9; Elsmere 1, 2, 3, 4; and Winston Park.

(24) Twenty-fourth District: Boone County; that part of the County of Kenton not contained in the Twenty-third District; that part of the County of Campbell contained within voting precincts Grants Lick A, Grants Lick B, Dry Ridge, Mentor, Carthage, California and Gubser Mill.

(25) Twenty-fifth District: Boyd, Johnson and Lawrence Counties and that part of the County of Floyd contained within the voting precincts of Auxier and Abbott's Creek.

(26) Twenty-sixth District: Bracken, Carroll, Gallatin, Grant, Henry, Oldham, Owen, Pendleton and Trimble Counties and that part of the County of Jefferson contained within voting precincts A11, A15 and A53 of A District of the County.

(27) Twenty-seventh District: Jackson, Owsley, Breathitt, Wolfe, Magoffin, Morgan, Elliott, Menifee and Rowan Counties.

(28) Twenty-eighth District: Fleming, Bath, Montgomery, Clark, Powell, Estill and Lee Counties.

(29) Twenty-ninth District: Knott, Perry and Martin Counties and Floyd County except the voting precincts of Auxier and Abbott's Creek.

(30) Thirtieth District: Bourbon, Harrison, Nicholas, Robertson, Scott and Woodford Counties; that part of the County Fayette which is contained within the following described boundary: beginning where the Briar Hill Road intersects the Fayette County-Bourbon County line; then with the center line of the Briar Hill Road in a westerly direction to the intersection of the Muir Station Pike; then in a northwestwardly direction along the center line of the Muir Station Road to the intersection of the Bryan Station Road; then in a southwestwardly direction with the center line of the Bryan Station Road to the Interstate 64-75 overpass; then in a northwestwardly direction with Interstate 64-75 to the intersection of Northern Parkway (US 27, 68), then in a northeastwardly direction along the center line of Northern Parkway to the intersection of Northern Parkway with Swigert Lane, then along the center line of Swigert Lane to its intersection with the Russell Cave Pike (KY 353), then in a southwestwardly direction along the center line of Russell Cave Pike to its intersection with the New Circle Road (KY 4), then along the center line of the New Circle Road in a westwardly direction to its intersection with the Versailles Pike (US 60), then in a westwardly direction with the center line of Versailles Pike to the Fayette County-Woodford County line; then in a generally northeastwardly direction along the Woodford County-Fayette County, Scott County-Fayette County, Bourbon County-Fayette County lines to the point of beginning.

(31) Thirty-first District: Pike and Letcher Counties.

(32) Thirty-second District: Logan and Warren Counties; that part of Butler County not contained in the Ninth District.

(33) Thirty-third District: That part of the County of Jefferson contained within the following voting precincts: Ninth Ward of Louisville 1, 2, 3, 4, 5, 6, 7A, 9, 16, 18, 19, 20; Tenth Ward of Louisville 6, 7, 10, 11, 12, 20, 21, 28; Eleventh Ward of Louisville in its entirety; Twelfth Ward of Louisville in its entirety.

(34) Thirty-fourth District: That part of the County of Jefferson contained within the following voting precincts: Second Ward of Louisville 16, 17, 19, 21, 23, 26, 30, 31, 33, 34, 35, 36, 38; A District 16, 21, 22, 23, 36, 37, 38, 39, 42, 43, 50, 58, 63, 72, 74; B District 3, 4, 5, 6, 7, 9, 14, 17, 20, 22, 23, 24, 26, 27, 28, 29, 31, 34, 35, 36, 37, 38, 39, 43, 44, 45, 47, 50, 51, 52, 53, 55, 56, 59, 60, 61, 64, 65, 66, 68, 70.

(35) Thirty-fifth District: That part of the County of Jefferson contained within the following voting precincts: First Ward of Louisville 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 29, 31, 32; Second Ward of Louisville 1, 3, 4, 5, 6, 7; Third Ward of Louisville 1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 29; Fourth Ward of Louisville 5A, 7, 8, 9, 10, 11, 12, 13, 22, 30, 33; Fifth Ward of Louisville 2, 4, 6, 8, 11, 12, 13, 16, 20, 21, 22, 26, 27, 28, 29, 30; B District 8, 10, 13, 18, 54, 67.

(36) Thirty-sixth District: That part of the County of Jefferson contained within the following voting precincts: First Ward of Louisville 20, 21, 23, 24, 25, 27, 28, 30, 33; Second Ward of Louisville 2, 8, 9, 10, 11, 12, 13, 15, 18, 20, 27, 29, 32; Third Ward of Louisville 28, 30, 31, 32, 33, 34; A District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 17, 18, 19, 20, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 40, 41, 44, 45, 46, 47, 48, 49, 51, 52, 54, 55, 56, 57, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 73, 75, 76, 77, 78, 79, 80, 81; B District 1, 2, 16, 30.

(37) Thirty-seventh District: That part of the County of Jefferson contained within the following voting precincts: Fourth Ward of Louisville 23, 26, 34; Sixth Ward of Louisville 11, 12, 13, 14, 15, 16, 17, 21, 22, 26, 27, 28, 30, 31, 32; Seventh Ward of Louisville 2, 3A, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20; Eighth Ward of Louisville 17, 18, 19, 20, 21; C District 1, 2, 3, 4, 9, 10, 13, 15, 20, 25, 26, 27, 28, 29, 35, 36, 37, 38, 41, 48, 49, 51, 52, 63, 68, 76, 77, 86, 92.

(38) Thirty-eighth District: That part of the County of Jefferson contained within the following voting precincts: Fourth Ward of Louisville 21, 25, 27; Fifth Ward of Louisville 3, 5, 9, 10, 14, 15, 17, 18, 19, 23, 24, 25 , *31*; Sixth Ward of Louisville 4, 5, 6 7, 8, 9, 10, 18, 19, 20, 23, 24, 25, 29; Eighth Ward of Louisville 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14A, 15, 16; Ninth Ward of Louisville 8, 10, 11, 12, 13, 14A, 15A, 17, 21; Tenth Ward of Louisville 1, 2, 3, 4, 5, 8, 9, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27.

Section 3. KRS 8.030 is amended to read as follows:

(1) The commission shall provide for the establishment of a permanent advisory committee on intergovernmental relations to be called the governor's advisory committee on intergovernmental relations.

(2) The committee shall function as a permanent standing advisory committee to the Kentucky commission on interstate cooperation and shall have no administrative functions.

(3) The governor's advisory committee on intergovernmental relations shall be composed of: (a) the governor; (b) the *co-chairmen of the legislative research commission* [chairman of the Kentucky commission on interstate cooperation]; (c) the chief justice of the Supreme Court; (d) the attorney general; (e) the commissioner of the executive department for finance and administration; (f) five (5) additional qualified members appointed by the governor.

(4) The governor will serve as chairman of the advisory committee.

Section 4. KRS 17.157 is amended to read as follows:

[(1) Any public official or employe who knowingly or intentionally makes, or causes to be made, a false return of information to the bureau shall be punished by confinement in jail for not more than ninety (90) days, by a fine not exceeding $500, or both.

(2)] If any public official or employe required to report to the bureau neglects or refuses to comply with the requests of the bureau, or its rules governing record systems and their maintenance, the bureau chief shall give written notice thereof to the person or persons authorized by law to disburse funds of the governmental agency to the public official or employe involved. No funds of the governmental agency shall thereafter be paid to the public official or employe, whether in the form of salary, fees, expenses, compensation, or otherwise, until the bureau chief notifies the disbursing authority that performance of the required duty has been completed.

Section 5. KRS 17.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 17.310 to 17.340 shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500).

(2) Any person who violates the provisions of KRS 17.410 to 17.440 shall be fined not less than $50 nor more than $500, or be imprisoned for not more than one (1) year, or both.

(3) Any public official or employe who knowingly or intentionally makes, or causes to be made, a false return of information to the bureau shall be punished by confinement in jail for not more than ninety (90) days, by a fine not exceeding $500, or both.

Section 6. KRS 21.450 is amended to read as follows:

The benefits provided by KRS 21.350 to 21.510 to be paid shall be funded through contract with a reputable life insurance company authorized to do business in this state, or through investment and reinvestment of funds in securities which, at the time of making the investment, are by law permitted for the investment of funds by fiduciaries in this state, or through a combination of such methods. To the extent that funding is provided through insurance contract no contributions, payments or premiums shall be subject to any tax on insurance premiums or annuity considerations. The judicial retirement board shall be trustee of any and all funds contributed or appropriated to the retirement system, and shall have sole authority to make insurance contracts or investments. [The state treasurer shall be the custodian of the cash and securities of the system, and shall be responsible on his official bond therefor.]

Section 7. KRS 27A.100 is amended to read as follows:

(1) There is hereby created a judicial council composed of the following persons: The chief justice of the Supreme Court or his designee from among the members of that court; the chief judge of the Court of Appeals or his designee from among the members of that court; four (4) circuit judges, four (4) district judges, *and* one (1) county judge*/executive*, [and one (1) police court judge,] all of whom shall be appointed by the chief justice of the Supreme Court; the president of the Kentucky Association of Circuit Court Clerks; three (3) members of the state Bar of Kentucky who shall be appointed by its board of governors; and the chairmen of the judiciary committees of the house of representatives and of the senate, or the vice-chairman of any of these committees if the chairman declines to serve.

(2) The appointed members shall serve for a term of four (4) years and until their successors are appointed and qualify. Vacancies in the office of appointed members shall be filled by the original appointing authority.

(3) The chief justice of the Supreme Court shall be the chairman of the council, or if he is not a member or declines to serve as chairman, a member of the council shall be appointed by him to serve as chairman. The administrative director of the courts shall serve as secretary.

SECTION 8. A NEW SECTION OF KRS CHAPTER 31A IS CREATED TO READ AS FOLLOWS:

(1) If any master commissioner or receiver fails to comply with his duties as defined by appropriate court order, he shall be fined not less than $100 nor more than $500, and, upon conviction, shall be removed from office.

(2) If any master commissioner or receiver knowingly omits or fails to report, as required by court order or Supreme Court rule, a correct statement of the amount required to be reported, or the amount of his office expenses, or knowingly makes or subscribes any false statement concerning the same, he shall be imprisoned in the penitentiary not less than one (1) nor more than five (5) years, and the judgment of conviction shall declare the office vacant.

SECTION 9. KRS 64.990 is amended to read as follows:

(1) [If any master commissioner or receiver fails to comply with his duties as defined by appropriate court order, he shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), and, upon conviction, shall be removed from office.

(2) If any master commissioner or receiver knowingly omits or fails to report, as required by court order or Supreme Court rule, a correct statement of the amount required to be reported by those sections, or the amount of his office expenses, or knowingly makes or subscribes any false statement concerning the same, he shall be imprisoned in the penitentiary not less than one (1) nor more than five (5) years, and the judgment of conviction shall declare the office vacant.

(3)] If any officer to whom KRS 64.050 applies, or his personal representative, trustee or committee, as the case may be, collects any fees, accounts or demands due him in his official capacity after the expiration of his term, or after he has resigned or died or vacated the office, or fails to deliver to his successor all the fees, claims and accounts due to him in his official capacity, he, or his personal representative, committee or trustee, as the case may be, shall be fined not less than five hundred dollars ($500) for each offense.

(2) [(4)] If any successor or collector mentioned in subsection (1) of KRS 64.050 fails to make any report or pay the money collected to the executive department for finance and administration, as required by subsection (1) of KRS 64.050, he shall be fined not less than five hundred dollars ($500) for each offense. If he knowingly omits or fails to report a correct statement of all money received or collected, or knowingly makes or subscribes any false statement concerning the same, he shall be imprisoned in the penitentiary for not less than one (1) nor more than five (5) years.

(3) [(5)] If any deputy or personal representative issuing a fee bill pursuant to KRS 64.420 knowingly makes a wrong charge, or in any respect issues an illegal fee bill, he shall be subject to the same penalties as an officer issuing such a fee bill.

(4) [(6)] Every fee bill containing one (1) illegal charge, or which, in any respect, is not according to what is required by law, shall be void for the whole amount.

(5) [(7)] Any officer who splits up and divides his services so as to make two (2) charges, when the law intends but one (1) charge or fee for the whole service, or who knowingly makes an illegal charge, or issues an illegal fee bill, or collects or attempts to collect his fees twice for the same services, or by any indirection collects or attempts to collect more for his services than is allowed by law, shall be guilty of a high misdemeanor and fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200) and his conviction shall be prima facie evidence of his guilt in a proceeding to remove him from office.

(6) [(8)] Any official who violates the provisions of KRS 64.820 to 64.850 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) and upon conviction shall be removed from office.

Section 10. KRS 42.066 is amended to read as follows:

(1) The function of the division is to provide administrative services, technical assistance and advice to the following boards and commissions at the request of the individual boards or commissions, all of which maintain their identity and their full authority for making policy decisions in the fields that they regulate: The state board of accountancy, Kentucky athletic commission, the state board of examiners and registration of architects, the Kentucky board of barbering, the Kentucky board of hairdressers and cosmetologists, the state board of podiatry, the Kentucky state board of chiropractic examiners, the Kentucky board of dentistry, the state board of embalmers and funeral directors, the state board of registration for professional engineers and land surveyors, the board of nursing education and nurse registration, the Kentucky board of ophthalmic dispensers, the Kentucky board of optometric examiners, the Kentucky board of pharmacy, the state board of physical therapy, the board of examiners of psychologists, the state real estate commission, the Kentucky board of veterinary examiners, the Kentucky board of examiners in watchmaking, the state board of auctioneers, the state board *for proprietary education* [of business schools], the state board of examiners and registration of landscape architects, the state board of medical licensure, the state board of examiners of speech pathology and audiology, the Kentucky board of licensure for nursing home administrators, the Kentucky board for licensing hearing aid dealers, the state board of examiners of social work of Kentucky, and such other boards and commissions as are created to license, certify, register or otherwise regulate, any occupational or professional category.

(2) To the extent that the division does provide administrative services, the respective boards and commissions are relieved of the power and duty to provide the services for themselves. The division shall charge each board or commission a reasonable amount for administrative services provided pursuant to subsection (1) of this section. The division may employ persons previously employed by boards or commissions.

(3) The division may receive complaints against the conduct of licensees granted licensure by the boards and commissions assigned to the division for administrative purposes. The division shall cause such complaints to be reduced to writing and forwarded to the appropriate board or commission for investigation and a

determination of the validity of the complaint. The division shall keep a record of all complaints received by it and forwarded to a board or commission.

Section 11. KRS 45.300 is amended to read as follows:

(1) The executive department for finance and administration shall prescribe and install a unified and integrated system of accounts for the state, which shall be in addition to other accounts required by this chapter and which shall include:

(a) A set of budgetary control accounts for each fund, comprising an account with the available cash of the fund, an account with the budget estimate of the amount of money to be derived from each source of revenue and nonrevenue receipts, an account with the total of the unallotted balances of appropriations, an account with the total of the free balances of allotments, an account with the total commitments under allotments, and an account with the estimated cash surplus or deficit, so as to show at all times the status of the budget fund.

(b) A subsidiary appropriation ledger for each fund from which appropriations are made, embracing an account with each appropriation, and designed to show the budget unit to which the appropriation was made, the purpose of the appropriation, the amount appropriated, the additions to the appropriation, the allotments from the appropriation, the unallotted balance of the appropriation, the commitments charged to allotments, and the free balances of the total amount allotted.

(c) A set of general controlling proprietary and operating accounts for each fund, so as to record the transactions to the fund in summary form and to show the actual current assets, prepaid expenses, current liabilities, deferred credits to income, reserves, [current liabilities,] actual income, actual expenditures, and the current surplus or deficit.

(d) A uniform classification of the sources of revenue and nonrevenue receipts, which shall be observed by all budget units in preparing pay-in vouchers and reporting on revenues and receipts.

(e) Standard classifications of the expenditures of the budget units, by the activities upon which the units are engaged.

(f) A standard classification of the budget units and their principal functions by major functions of government.

(g) Such other accounts, records and devices as the executive department for finance and administration deems necessary for the production of needed information respecting financial condition, financial operations and costs.

(2) The accounts provided for in paragraphs (a), (b) and (c) of subsection (1) of this section shall be maintained in the office of the executive department for finance and administration.

(3) The executive department for finance and administration shall keep controlling accounts with receipts, payments and state depositories entirely independent of those maintained by the state treasurer. The department shall obtain from the state treasurer the figures for the entries required to open such accounts, and thereafter it shall obtain the information required for the keeping of such accounts from the pay-in vouchers, lists of warrants drawn under appropriations, and vouchers requesting transfers of deposits among state depositories.

(4) The accounting system prescribed and installed by the executive department for finance and administration shall provide for the settlement of transactions between budget units by making debit and credit entries on the books of the department on the basis of adequate expenditure vouchers, without the issuance of warrants.

Section 12. KRS 45.370 is amended to read as follows:

(1) The executive department for finance and administration shall prepare, adopt, promulgate and enforce written standards and specifications for materials, equipment and supplies after consultation with agencies affected. The department shall:

(a) Classify the requirements of state government for supplies, materials, and equipment;

(b) Adopt, for as many commodities as possible, standards of quality and quantity;

(c) Establish standard identification of items of supply. In complying with *its* [his] responsibilities under KRS [42.061 and] 45.360 to 45.420, the department shall not be limited to (a) through (c) above, but shall perform each and every act necessary and proper to carry out the full intent and purpose of KRS [42.061 and] 45.360 to 45.420.

(2) Standards and specifications shall be developed so as to ensure competitive bidding.

(3) Standards and specifications shall be adopted as regulations. Each standard or specification adopted shall apply to each future purchase of said commodity.

Section 13. KRS 45.390 is amended to read as follows:

(1) All persons, firms, or corporations who desire to bid on and furnish any of the materials, supplies, or equipment usually purchased by the executive department for finance and administration may at any time file

with the division its or their name or names, together with the character and kind of such materials, supplies, and equipment which it or they may desire to bid on and furnish, and such names shall be placed on the list of bidders applicable to such commodities as they desire to bid on and furnish. For identification purposes, the executive department for finance and administration may use any code system to identify prospective bidders which the executive department for finance and administration finds is necessary and in the best interest of the Commonwealth of Kentucky. Prior to such listing, however, the commissioner of the executive department for finance and administration shall verify the qualifications of prospective bidders in terms of:

(a) Ability, capacity, and skill of the bidder to perform on a timely basis under contract for goods and services which he desires to bid on and furnish;

(b) Character, integrity, reputation, and experience of the bidder;

(c) Performance in previous dealings with the Commonwealth of Kentucky and other governmental agencies or private business concerns; and

(d) Compliance with the health rules and regulations of the Commonwealth of Kentucky.

(2) Subject to the right of appeal by the prospective bidder to the commissioner of the executive department for finance and administration, the commissioner may remove any bidder for any one (1) of the following reasons:

(a) Failure to meet minimum qualifications;

(b) Failure to post bid or performance bonds as the commissioner of the executive department for finance and administration may require either at the time of submission of bids or prior to award of contract;

(c) Substitution of commodities or equipment without approval in writing from the executive department for finance and administration;

(d) Failure to meet delivery conditions specified in the bid;

(e) Failure to replace inferior or defective materials, equipment, or supplies immediately;

(f) Failure to respond to three (3) invitations received;

(g) Falsifying invoices;

(h) Collusion or collaboration on Commonwealth invitations to bid;

(i) Falsifying information on the "Application to be Placed on Vendor's List";

(j) Refusal to accept contract award as provided in the bid;

(k) Failure to submit the Kentucky sales-use tax reports or failure to remit sales-use or income taxes assessed by the department of revenue.

(3) The executive department for finance and administration and using agencies shall employ the lists of bidders and other sources of information in such a way as to foster the highest level of sound competition when invitations to bid are issued as required by this section. In the event that there are more than ten (10) bidders on the list applicable to a given commodity, at least ten (10) of those listed shall be issued invitations when competitive bidding is required by this section in the purchase of said commodity, and any additional qualified bidders, whether or not they were issued invitations, may request invitations and shall be afforded the opportunity to submit a bid. In addition, for all price contracts and purchase contracts estimated to exceed seven thousand five hundred dollars ($7,500) the department shall solicit bids by publication in two (2) newspapers of general circulation in the state to be determined and designated by the commissioner of the executive department for finance and administration. The notice to be published shall contain a general description of items to be purchased or sold; the date, time and location on and at which bids will be opened; and the location from which the list of items, terms, and specifications can be obtained. For purposes of advertising in newspapers, a detailed listing of items shall not be necessary.

(4) The executive department for finance and administration shall require the formal invitation of sealed written bids on all purchases, except as provided in KRS [42.061,] 45.360 [,] and 45.400, for which the gross amount is estimated to exceed five thousand dollars ($5,000) for building renovation and repair (inclusive projects) or one thousand dollars ($1,000) for other transactions. The department shall designate by regulation the manner, which manner may include the taking of sealed competitive bids, in which all purchases less than these amounts shall be made. In all cases where the department requires competitive quotations, a record shall be kept of all quotations solicited and received.

(5) An agency shall not split or parcel purchases over a period of time for the purpose of evading competitive bidding. In any case in which purchases are so split or parceled, the agency head shall be personally liable for the amount by which the total amount purchased exceeds the amount authorized to be purchased.

(6) For any purchase in which the estimated price exceeds five thousand dollars ($5,000), invitations to bid shall be postmarked at least fourteen (14) days before the day set for opening. For any purchase in which the estimated price does not exceed five thousand dollars ($5,000), invitations to bid shall be postmarked at least seven (7) days before the day set for opening. Said invitations shall state the time and place of receiving and opening of bids and any other information the department deems in the best interest of the state. Wherever possible items should be described by standard specifications. All said bids shall be made in writing and sealed and shall be opened and read publicly at the stated time. After due consideration and a reasonable

time the executive department for finance and administration shall award the contract to the qualified bidder with the lowest and best bid, unless in the discretion of the said department no satisfactory bid had been received, in which event all bids may be rejected and new bids requested or the purchase price on the items negotiated as provided by this section. Time discounts shall not be considered, except where fair trade commodities are involved.

Section 14. KRS 58.305 is amended to read as follows:

By January 30 each year the authority shall make an annual report of its activities for the preceding calendar year to the governor and to the general assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The authority shall provide for an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof may be treated as a part of the cost of construction or operation of the project. Such audits shall be public records within the meaning of KRS *61.870* [171.650].

Section 15. KRS 58.230 is amended to read as follows:

The authority and the Commonwealth or other lessee may enter into any agreement, lease, or contract with respect to any project. The executive department for finance and administration shall be the contracting party for the Commonwealth with respect to any such lease, agreement, or contract. The executive department for finance and administration or other lessee shall upon the execution of any lease assume full responsibility for the maintenance and repair of the structure. All maintenance and repair made by the lessee shall be subject to the approval of the authority. Aside from this maintenance provision, any lease may contain, in substance, any of the provisions set forth in this section and such other provisions not inconsistent herewith as the authority and the lessee may deem appropriate and desirable:

(1) That the lease is for any number of years not to exceed forty (40), except that in the case of the Commonwealth, the biennial execution of the lease is contingent upon the legislature's appropriation of sufficient funds to the executive department for finance and administration to make the lease payment for the following biennium;

(2) That the lessee will maintain and operate the building occupied, an allotted number of parking spaces, and a specified area of the grounds. The cost of maintenance and operation will be considered in establishing the rental fee for the building and land;

(3) That as to the cost of maintaining, repairing, and operating the project, the lessee is contractually bound for the entire period of years until the final duration of the contract period. If the bonds on the project have not been retired at the end of the contract period, the lessee shall have an exclusive option to renew such lease for a like period as the first lease contract was for;

(4) That in the event the legislature fails to appropriate a sufficient amount of money to the department to make the lease payments or in the event the department shall fail to perform in full its obligations thereunder then (a) the department shall immediately be liable for the balance of the rental stipulated for the then current biennial terms for which sufficient money had been appropriated, without requirement *of* notice or other action on the part of the authority, and shall forthwith pay such balance to the authority upon demand, (b) the department shall forfeit its then current contract and any option to renew such contract; and

(5) In the event of the department's forfeiture of rights as provided in subsection (4) of this section, the same may not be reassumed, nor the department restored to good standing with options to renew the lease, except in such manner as shall not be inconsistent with the rights of the holders of outstanding bonds.

Section 16. KRS 61.592 is amended to read as follows:

(1) "Hazardous position" means any position whose principal duties involve active law enforcement, active fire suppression or prevention, or other positions, including but not limited to pilots of the department of transportation, with duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning.

(2) Each employer shall certify to the board in the manner prescribed by the board, the names of all employes deemed by the employer to be working in a hazardous position as defined in subsection (1) of this section. The certification of the employer shall bear the approval of the agent or agency responsible for the budget of the department or county indicating that the required employer contributions have been provided for in the budget of the employing department or county. The board shall determine whether the *employes whose* names *have been* certified by the employer are working in positions meeting the definition of a hazardous position as provided by subsection (1) of this section.

(3)(a) An employe determined by the board to be working in a hazardous position in accordance with subsection (2) of this section shall contribute for each pay period for which he receives compensation, seven per cent (7%) of his creditable compensation;

(b) Each employer shall pay employer contributions based on the creditable compensation of the employes determined by the board to be working in a hazardous position at the employer contribution rate as determined by the board. Such rate will be determined by actuarial methods consistent with the provisions of KRS 61.565.

(4) The normal retirement age, retirement allowance and other benefits, eligibility requirements, rights and responsibilites of a member in a hazardous position, as prescribed by subsections (1), (2) and (3) of this section, and the responsibilities, rights and requirements of his employer shall be as prescribed for a member and employer participating in the state police retirement system as provided for by KRS 16.505 to 16.652, except the mandatory retirement provisions of KRS 16.576(1) and the maximum employment age in KRS 16.520(2) shall not be applicable.

(5) Any person employed in a hazardous position after July 1, 1972 shall be required to undergo a thorough medical examination by a licensed physician, and a copy of the medical report of the physician shall be retained on file by the employe's department or county and made available to the board upon request.

(6) In the event of doubt regarding the benefits payable to a hazardous position employe under this section, the board shall determine the benefits payable under KRS 61.510 to 61.692 or 78.510 to 78.852 or 16.505 to 16.652.

Section 17. KRS 61.637 is amended to read as follows:

(1) A retired member who is receiving monthly retirement payments under any of the provisions of KRS 61.510 to 61.692 and 78.510 to 78.852 and who is reemployed as an employe by a participating agency, shall have his retirement payments suspended for the duration of such reemployment. Monthly payments shall not be suspended for a retired member who is reemployed in a seasonal, emergency, temporary, part-time, or full-time position if he anticipates that he will receive less than the maximum permissible earnings as provided by the Federal Social Security Act in compensation as a result of reemployment during the calendar year. The payments shall be suspended at the beginning of the month in which the reemployment occurs.

(2) Employer and employe contributions shall be made as provided in KRS 61.510 to 61.692 and 78.510 to 78.852 on the compensation paid during such reemployment except where monthly payments were not suspended as provided in subsection (1) of this section and the member shall be credited with additional service credit.

(3) In the month following the termination of reemployment, retirement allowance payments shall be reinstated under the plan *under which* the member was receiving payments prior to reemployment.

(4)(a) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member, or his estate, provided he does not receive more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment.

(b) In the event the retired member is paid suspended payments retroactively in accordance with this section, employe contributions deducted during his period of reemployment, if any, shall be refunded to the retired employe and no service credit shall be earned for the period of reemployment.

(c) In the event the retired member is not eligible to be paid suspended payments for his period of reemployment as an employe, his retirement allowance shall be recomputed under the plan *under which* the member was receiving payments prior to reemployment as follows:

1. The retired member's final compensation shall be recomputed using creditable compensation for his period of reemployment; however, the final compensation resulting from the recalculation shall not be less than that of the member when his retirement allowance was last determined.

2. If the retired member initially retired on or subsequent to his normal retirement date his retirement allowance shall be recomputed by using the formula in subsection (1) of KRS 61.595.

3. If the retired member initially retired prior to his normal retirement date his retirement allowance shall be recomputed using the formula in subsection (2) of KRS 61.595, except that the member's age used in computing benefits shall be his age at the time of his initial retirement increased by the number of months of service credit earned for service performed during reemployment.

4. The retirement allowance payments resulting from the recomputation under this subsection shall be payable in the month following the termination of reemployment in lieu of payments under subparagraph 3 provided, however, the member shall not receive less in benefits as a result of the recomputation than he was receiving prior to reemployment or would receive as determined under KRS 61.691.

5. Any retired member who was reemployed prior to March 26, 1974 shall begin making contributions to the system in accordance with the provisions of this section on the first day of the month following March 26, 1974.

(5) A retired member, or his estate, shall pay to the retirement fund the total amount of payments which are not suspended in accordance with subsection (1) of this section if the member received more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment.

(6)(a) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the personnel board under authority of KRS 18.270.

(b) A retired member who has been ordered reinstated by the personnel board under authority of KRS 18.270 and accepts employment by an agency participating in the Kentucky employes retirement system shall void his retirement by reimbursing the system in the full amount of his retirement allowance payments received.

Section 18. KRS 64.346 is amended to read as follows:

The fiscal court in counties containing a population of 75,000 or over may authorize and pay out of the general fund of the county for any expenditures which, in its discretion, *are* [is] deemed necessary for the efficient operation of the offices of the county and circuit court clerk, sheriff and jailer.

Section 19. KRS 74.012 is amended to read as follows:

(1) Prior to the establishment of any water district as provided by KRS 74.010, and prior to the incorporation or formation of any non-profit corporation, association or cooperative corporation having as its purpose the furnishing of a public water supply (herein referred to as a "water association"), a committee of not less than five (5) resident freeholders of the geographical area sought to be served with water facilities by the proposed district or the proposed water association shall formally make application to the Public Service Commission of Kentucky in such manner and following such procedures as the Public Service Commission may by regulation prescribe, seeking from the Commission the authority to petition the appropriate county court for establishment of a water district, or *to* proceed to incorporate or otherwise create a water association. The Commission shall thereupon set the application for formal public hearing, and shall give notice to all other water suppliers, whether publicly owned or privately owned, and whether or not regulated by the Commission, rendering services in the general area proposed to be served by said water district or water association, and to any planning and zoning or other regulatory agency or agencies with authority in the general area having concern with the application. The Commission may subpoena and summon for hearing purposes any persons deemed necessary by the Commission in order to enable the Commission to evaluate the application of the proponents of said proposed water district or water association, and reach a decision in the best interests of the general public. Intervention by any interested parties, water suppliers, municipal corporations, and governmental agencies shall be freely permitted at such hearing.

(2) The public hearing shall be conducted by the Commission pursuant to the provisions of KRS 278.020. At the time of the hearing, no employment of counsel or of engineering services shall have been made to be paid from water district funds, water association funds, or made a charge in futuro against water district or water association funds, if formation of such water district or water association is permitted by the Commission.

(3) Before the Public Service Commission shall approve any application for creation of a water district or water association, the Commission must make a finding and determination of fact that the geographical area sought to be served by such proposed water district or water association cannot be feasibly served by any existing water supplier, whether publicly or privately owned, and whether or not subject to the regulatory jurisdiction of the Commission. If it shall be determined that the geographical area sought to be served by the proposed water district or water association can be served more feasibly by any other water supplier, the Commission shall deny the application and shall hold such further hearings and make such further determinations as may in the circumstances be appropriate in the interests of the public health, safety and general welfare.

(4) Any order entered by the Commission in connection with an application for creation of a water district or water association shall be appealable to the Franklin Circuit Court as provided by KRS 278.410.

Section 20. KRS 75.031 is amended to read as follows:

(1) Upon creation of a fire protection district or a volunteer fire *department* [prevention] district as provided in KRS 75.010, the affairs of the district shall be conducted by the board of trustees consisting of seven (7) members, four (4) to be elected by the members of the district as hereinafter set out and three (3) to be appointed by the county judge/executive. Two (2) members of the board of trustees shall be elected by the members of the volunteer fire fighters of the district and shall be members thereof. Two (2) members of the board of trustees shall be property owners who own and reside in the property in the district who are not active volunteer fire fighters and shall be elected by such property owners. The county judge/executive of the county in which the greater part of the district is located shall appoint three (3) members of the board of trustees. In counties containing a city of the first class trustees appointed by the county judge/executive to serve in volunteer fire prevention districts shall reside within the boundaries of that fire district. At the first election held after the district is formed, one (1) volunteer fire fighter shall be elected to serve on the board of trustees for a period of one (1) year and one (1) for a period of three (3) years and one (1) nonvolunteer fire fighter property owner shall be elected to serve on the board of trustees for a period of two (2) years and one (1) for a period of four (4) years. On the expiration of the respective terms the successor to each shall have the same qualifications as his predecessor and shall be elected for a term of four (4) years. In the event of a

vacancy in the term of an elected trustee, the remaining elected trustees shall elect a trustee to fill the vacancy for the balance of the term. The original appointed members of the board of trustees shall be appointed for terms of one (1), two (2), and three (3) years respectively. On the expiration of the respective terms the successors to each shall be appointed for a term of three (3) years. In the event of a vacancy in the term of an appointed trustee, the county judge/executive shall appoint a trustee for the remainder of the term.

(2) The elective offices of members of the board of trustees shall be filled by an election to be held once each year on a date determined by the department. The polls shall be located at the principal fire house in the district. The date, time and place of the election shall be advertised in accordance with KRS 424.120. This notice shall be advertised at least thirty (30) days prior to the election date and shall include the names and addresses of the candidates to be voted on for each position of trustee. The nominations for candidates for trustees both representing the fire fighters and the property owners residing in the district shall be made in accordance with the bylaws of the department. The terms of the three (3) trustees appointed by the county judge/executive shall start at the same time as the terms of the elected trustees. On or before the beginning of the second fiscal or calendar year, depending on which basis the fire protection or volunteer fire *department* district is being operated, after June 16, 1966 all departments organized prior to June 16, 1966 shall increase their boards of trustees from three (3) to seven (7) members and elect the elective members in the manner set forth herein.

(3) Such trustees shall elect from their number a chairman, a secretary and a treasurer, the latter of whom shall give bond in such amount as shall be determined by the county judge/executive of the county in which the greater part of the fire protection district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which may come into his possession as such treasurer. The premiums on such bonds shall be paid out of the funds of the district.

Section 21. KRS 75.040 is amended to read as follows:

(1) Upon the creation of a fire protection district or a volunteer fire *department* [prevention] district as provided in KRS 75.010 to 75.031 the trustees of such district are hereby authorized to establish and operate a fire department in such district and to levy a tax upon the property in said district, including that property within cities in a fire protection district or a volunteer fire department district, as provided by KRS 75.010 (2) provided that said property is subject to county tax, and not exceeding ten cents (10¢) per one hundred dollars ($100) of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance and operation of said fire department or to make contracts for fire protection for such districts as provided in KRS 75.050. The rate set in this subsection shall apply, notwithstanding the provisions of KRS 132.023.

(2) The property valuation administrator of the county or counties involved, with the cooperation of the board of trustees, shall note on the tax rolls the taxpayers and valuation of the property subject to such assessment. The county clerk shall compute the tax on the regular state and county tax bills in such manner as may be directed by regulation of the department of revenue.

(3) Such taxes shall be subject to the same delinquency date, discounts, penalties and interest as are applied to the collection of ad valorem taxes and shall be collected by the sheriff of the county or counties involved and accounted for to the treasurer of the district. *The sheriff shall be entitled to a fee of one per cent (1%) of the amount collected by him.*

Section 22. KRS 100.113 is amended to read as follows:

Before any planning operations may begin, a planning unit must be formed and designated. Planning units may consist of a city or county, acting independently in accordance with *KRS 100.117* [this section]; cities and their county, jointly, in accordance with KRS *100.121* [100.117]; or groups of counties and their cities, regionally, in accordance with KRS *100.123* [100.121].

Section 23. KRS 100.237 is amended to read as follows:

The board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:

(1) The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

(2) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.

(3) In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, *are* [or] completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

(4) The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustments. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustments finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustments may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(5) Once the board of adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

Section 24. KRS 103.040 is amended to read as follows:

Any city which establishes a cemetery as provided by KRS 103.010 to 103.100 may acquire by gift, condemnation, devise, bequest, grant, or purchase solely from the funds provided under the authority of KRS 103.010 to 103.100, such lands, structures, rights of way, franchises, easements or other interests in land, or personal property, necessary for the establishment and maintenance of a cemetery, and upon such terms, prices, and considerations as may be considered by the city to be reasonable and can be agreed upon between the city and the owner thereof. Title to all property acquired for such purposes shall be taken in the name of the city. Whenever property shall be needed by any city of the fifth or sixth class for cemetery purposes, either within or beyond the boundary of such city, in the county in which such city is located, same may be condemned by the city in accordance with the provisions of KRS *416.540 to 416.670, the Eminent Domain Act of Kentucky* [87.090], except that no existing cemetery may be condemned.

Section 25. KRS 118.105 is amended to read as follows:

(1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115, every political party shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary election held as provided in this chapter, and the governing authority of any political party shall have no power to nominate any candidate for any elective office or to provide any method of nominating candidates for any elective office other than by primary elections as provided in this chapter.

(2) Any political organization not constituting a political party as defined in KRS 118.015 may make its nominations as provided in KRS 118.325.

(3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary before the ballots are printed for the regular election, the governing authority of the party may provide for filling the vacancy. When such a nomination has been made, the certificate of nomination shall be signed by the chairman and secretary of the governing authority of the party making it, and shall be filed in the same manner as certificates of nomination at a primary election.

(4) This *section* [chapter] does not apply to candidates for subdistrict school trustees, members of boards of education, members of the legislative bodies of cities of the fifth or sixth class, or presidential electors, nor to candidates for mayor or commissioner in cities of the fourth class operating under the

commission form of government and in cities of the second, third or fourth class operating under the city manager form of government.

Section 26. KRS 136.360 is amended to read as follows:

Every stock insurer other than life doing business in this state shall pay to the department of revenue on or before the first day of March of each year, for the purpose of defraying the expenses authorized by KRS Chapter 227, and KRS Chapter 304, *subtitle 24,* three-fourths of one per cent (.75%) of all amounts paid to such insurance company or its representative, whether such payments are designated as premiums or otherwise, during the previous calendar year for fire insurance and that portion of the premium reasonably allocable to insurance against the hazard of fire included in other coverages other than life and disability insurances. In computing such amounts there shall be deducted amounts refunded on policies canceled or not taken, and dividends paid or credited to policyholders. All amounts so collected shall be deposited in the general expenditure fund in the state treasury.

Section 27. KRS 141.350 is amended to read as follows:

The amount deducted and withheld as *tax* [taxed] under KRS 141.310 and KRS 141.315 during any calendar year upon the wages of any individual shall be allowed as a credit to the recipient of the income against the tax imposed by KRS 141.020, for taxable years beginning in such calendar year. If more than one (1) taxable year begins in such calendar year such amount shall be allowed as a credit against the tax for the last taxable year so beginning.

Section 28. KRS 146.425 is amended to read as follows:

(1) The Kentucky nature preserves commission is hereby created and shall consist of five (5) members qualified and appointed by the governor as follows:

(a) The governor shall seek advice on the making of appointments to the commission from, though not limited to, the following, if they have an active organization chartered in Kentucky:

(i) Kentucky Audubon Council
(ii) Sierra Club
(iii) The Izaak Walton League of America
(iv) The Nature Conservancy
(v) Kentucky Ornithological Society
(vi) Kentucky Academy of Science

(b) Of the five (5) commission members, one shall be a representative from the Farm Bureau Association, one shall be a representative from the National Farmers Organization, and one shall be a representative from the State Association of Soil Conservation Districts. Each member shall be a resident of Kentucky, and not an employe or officer of the Commonwealth.

(c) Any vacancies on the commission shall be filled in the same manner as the original appointment.

(2) The governor shall make the initial appointments to the commission within ninety (90) days after June 19, 1976, and appointees shall serve as members of the commission until the expiration of their term under KRS 146.410 to 146.530. Their successors shall be appointed for a 3-year term, expiring on June 30. When an appointment is made to fill a vacancy, the appointment shall be for the balance of the unexpired term. Each member of the commission shall hold office until his successor is appointed and qualifies. The commission shall organize by selecting from its membership a chairman and a secretary and shall provide rules for transacting its business and keeping records thereof. The commission shall meet quarterly or more frequently upon the call of the chairman or four (4) members. *Three (3)* [Five (5)] members shall constitute a quorum for the transaction of business. The members of the commission shall receive no compensation but may be reimbursed for necessary expenses in connection with the performance of their duties.

Section 29. KRS 147A.080 is amended to read as follows:

Each board of directors shall have the power and authority to:

(1) Adopt and have a common seal and alter the same at pleasure;

(2) Sue and be sued;

(3) Adopt bylaws and make rules and regulations for the conduct of its business;

(4) Make and enter into all contracts or agreements necessary or incidental to the performance of its duties;

(5) Provide upon request basic administrative, research, and planning services for any planning and development body located within the district;

(6) Accept, receive, and administer loans, grants, or other funds or gifts from public and private agencies including the Commonwealth and the Federal Government for the purpose of carrying out the functions of the district;

(7) Expend such funds as may be considered by it to be advisable or necessary in the performance of its duties;

(8) Acquire, hold for as may be necessary and convenient, encumber, or dispose of real and personal property, except that no board shall have the power *of* [to] eminent domain;

(9) Charge fees, rents, and otherwise charge for services provided by the board, except that no board shall have any power to levy taxes;

(10) Enter into interlocal agreements or interstate compacts to the extent authorized by laws of the Commonwealth. An Area Development District organization shall be deemed a "public agency" as defined by the Interlocal Cooperation Act in KRS Chapter 65;

(11) Promote, organize, and advise special districts or other authorities in accordance with laws of the Commonwealth and act as the regional clearinghouse for such programs and projects as prescribed by federal regulation;

(12) Perform such other and further acts as may be necessary to carry out the duties and responsibilities created by KRS 147A.050 to 147A.120.

Section 30. KRS 148.021 is amended to read as follows:

(1) The department of parks shall exercise all administrative functions of the state relating to the operation of state parks, shrines, monuments, and museums except those allocated to the Historical Society.

(2) The department may request acquisition, subject to the provisions of KRS chapters 42, 45, 56, and the provisions made in this chapter, of lands by purchase, lease or otherwise, on which to operate state parks.

(3) The department may improve said parks by constructing and equipping improvements *or* [of] facilities in said parks.

(4) The department may operate said parks, and fix fees and charges for the use of said parks and the improvements and facilities constructed therein, and provide for the collection of said fees and charges and the proper accounting therefor.

(5) The department of parks is authorized to enter into any agreement with the Breaks Interstate Park commission for the operation of any facilities in the Breaks Interstate Park.

(6) The department of parks is authorized to accept, for deposit in a trust and agency fund account in accordance with KRS 45.140, on behalf of the state any grant or contribution, federal or otherwise, to assist in meeting the cost of carrying out the functions assigned to the department of parks.

(7) Notwithstanding any provision in KRS chapter 41, 45, or 47 to the contrary, there may be established separate cash funds and depositories at each state park from which immediate payment of refunds may be made to a patron or guest of such state park of any unearned money advanced or paid by such guest or patron. The department may accept from a guest or patron an amount which includes the fee for the service rendered plus a gratuity for the waitress or other designated person and remit the gratuity directly from the depository or cash fund to the designated recipient thereof. Such funds or depositories shall be governed by regulations established by the department of parks and approved by the executive department for finance and administration.

Section 31. KRS 150.110 is amended to read as follows:

The commissioner and conservation officers may arrest without warrant anyone violating any of the provisions of KRS 150.510 *and* [to] 150.520 or any of the rules and regulations made by the department for the protection of mussels under this chapter. They may inspect mussels in any warehouse, boat, store, car or receptacle when they have good cause to believe that any of the provisions of KRS 150.510 *and* [to] 150.520 or any of the rules or regulations made thereunder have been or are being violated. This authority does not include the right to enter any dwelling house without a search warrant. When the officers find mussels in the possession of anyone in violation of this chapter, the mussels shall be confiscated and sold in the manner provided by KRS 150.120 for the sale of confiscated fish and game.

Section 32. KRS 150.140 is amended to read as follows:

Each [justice or] clerk of the court before whom any prosecution under this chapter for the violation of any law or regulation for the protection of wildlife, animals, birds or fish may be commenced or shall go on appeal shall, within twenty (20) days after a decision has been rendered therein, report in writing to the commissioner the result of the prosecution, the amount of fine collected or penalty imposed, if any. All moneys collected as fines or penalties for the violation of any law or regulation which, according to law, goes to the game and fish fund, shall be paid within thirty (30) days to the commissioner by the court [, justice] or other officer collecting or receiving the moneys, and the same shall be paid by the commissioner to the state treasurer within thirty (30) days thereafter.

Section 33. KRS 150.150 is amended to read as follows:

(1) Except as provided in this chapter, all moneys derived from the sale of licenses or from any other

source connected with the administration of this chapter shall be promptly paid over to the state treasurer, who shall deposit such moneys in a special fund, known as the game and fish fund. The game and fish fund shall be used to carry out the purposes of this chapter and any law or regulation for the protection of wild animals, birds or fish, and for no other purpose.

(2) All funds received under KRS 150.110, [and] 150.510 *and* [to] 150.520 shall be used by the department for the purpose of enforcing those sections and for the protection and progagation of mussel beds. Any surplus remaining in the fund at the close of each calendar year shall be turned into the general fund of the department.

Section 34. KRS 150.175 is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under such licenses and tags, subject to the other provisions of this chapter and subject to regulations adopted under this chapter, are as follows:

(1) Statewide resident sport fishing license which authorizes the holder thereof to take fishes by angling, or take crayfish by a minnow seine, or by hand, to take minnows by the use of a minnow seine, minnow trap or dip net, or to take fishes by grabbling, gigging, jugging, bow and arrow and by noodling or tickling, and to take frogs and turtles from any waters in any county of this state open for such purposes and subject to the limitations hereinafter set forth and such additional limitations as the department may from time to time prescribe; this license does not authorize the holder to sell fish;

(2) A short term sport fishing license which may be issued only to a nonresident and which authorizes the holder thereof to perform all acts authorized by a statewide sport fishing license and subject to same limitations or prescribed regulations. This license does not authorize the holder to sell fish;

(3) A resident commercial fishing license and a nonresident commercial fishing license, which authorizes a holder thereof to perform any act authorized by a sport fishing license and to take rough fishes from the waters of the state by the use of commercial fishing gear as prescribed by regulation. Such license shall also authorize the holder thereof to sell rough fishes, other than those protected by regulation;

(4) An Ohio River sport fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River only by any method authorized under a statewide sport fishing license. This license does not authorize the holder to sell fish;

(5) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in subsection (3), provided that the holder of such license has first obtained a tag or tags for each piece of commercial fishing gear in possession including each seine, net, trap, and line;

(6) A tag for use on a gill net, trammel net or seine [which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license,] and which authorizes the holder thereof to *take* [use, in taking] rough fishes from the waters of this state, or from the Ohio River only, as the case may be *may be issued only to a person holding a commercial fishing license or an Ohio river commercial fishing license.* A separate tag shall be required for each 100 feet of seine, gill net, trammel net or netting, or part thereof, and said tag shall be attached thereto;

(7) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, which authorizes the holder thereof to use, in taking rough fishes from the waters of this state, or from the Ohio River only, as the case may be one (1) hoop net. A separate tag shall be required for each hoop net of any type prescribed by regulation, and said tag shall be attached thereto;

(8) A snag line tag and a commercial trotline tag, which may be issued only to the proper holder of a commercial fishing license, or an Ohio River commercial fishing license, which authorizes the holder thereof to use, in taking rough fishes from the waters of this state, or from the Ohio River only, as the case may be, one (1) snag line or one (1) trotline. A separate tag shall be required for each snag line and each commercial trotline, and said tag shall be attached thereto;

(9) Live fish and bait dealer's license, resident and nonresident, which authorizes the holder thereof to sell bait and live fish as may be prescribed by regulation;

(10) Musseling licenses, resident and nonresident, which authorize the holder thereof to take mussels for commercial purposes as may be prescribed by regulation;

(11) A statewide resident hunting license, which authorizes the holder thereof to take or pursue wild animals, wild birds, frogs and turtles with gun, bow and arrow, dog or falcon, or to participate in a fox-hunting party engaged in the hunting or pursuing of foxes with dogs for sport, according to the provisions of the laws and regulations of the department;

(12) A junior statewide hunting license, which may be issued only to a resident of this state, before he has reached his or her sixteenth birthday, but which becomes void on his or her sixteenth birthday, and which authorizes the holder thereof to exercise all the privileges authorized by a statewide hunting license; Provided

That no junior hunting license shall be issued without the written permission of parent, guardian or person having custody of such person under 16 years of age;

(13) Trapping licenses, resident and nonresident, which authorize the holder thereof to take wild animals by trapping upon his own lands or upon the lands of another person, provided that the holder of such license shall have first obtained a written consent as provided in KRS 150.400 and 150.410;

(14) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting the skins of wildlife;

(15) A commercial guide's license, which authorizes the holder thereof to guide hunting and fishing parties according to the provisions of the laws and regulations of the department;

(16) Fur buyer's licenses, resident and nonresident, which authorize the holder thereof to buy raw furs from licensed trappers and hunters and to sell raw furs so purchased. Applicants for such license shall state the number of premises to be used and shall display at each a copy of same as furnished by the department except that the commissioner may limit the number of copies furnished and may revoke license for violation;

(17) A fur processor's license, which may be issued only to a resident, a partnership, firm or corporation of this state and which authorizes the holder thereof to buy raw furs when in legal possession for processing, manufacture or retention in cold storage or for resale;

(18) Nonresident sport fishing license which authorizes the holder thereof to perform any act authorized by a resident statewide sport fishing license. This license does not authorize the holder to sell fish;

(19) Nonresident hunting license which authorizes the holder thereof to perform any act authorized by a resident statewide hunting license;

(20) A special license to nonresidents for the purpose of hunting on licensed hunting preserves. This license is good only for the preserve for which it was issued and shall continue legal only for one (1) year. These licenses shall be issued in ink by the preserve manager, and it becomes his responsibility to see that each hunter is properly licensed before going into the field. When the hunter owns either a nonresident or resident statewide hunting license for the current year, the special license shall not be required. The commissioner, with the approval of the commission, shall have the authority to establish and regulate hunting preserves, either private or commercial;

(21) A big game permit, which, in combination with a valid statewide hunting license or a valid junior statewide hunting license, authorizes the holder thereof to take or pursue deer, bear or wild turkey, in any designated open area of this state, during the open season and according to the provisions of the laws and regulations governing such hunting;

(22) A combination hunting and fishing license, which authorizes only resident holders to perform all acts valid under either a sport fishing or hunting license;

(23) A trout stamp, which may be established by regulation in accordance with KRS 150.225;

(24) A commercial waterfowl permit, which authorizes the holder thereof to establish and operate a commercial waterfowl hunting preserve.

Section 35. KRS 150.183 is amended to read as follows:

(1) No person shall import, transport, possess for resale or sell any endangered species of wildlife, *the* [or] hides, skins, or other parts thereof, *or* [nor shall] any article made in whole or in part from the skin, hide, or other parts of any species of wildlife designated as an endangered species by regulation promulgated by the Department of Fish and Wildlife Resources except as provided in subsection (3) of this section. As used in this section, the term "endangered species" means any species of wildlife seriously threatened with world wide extinction.

(2) The regulation or regulations promulgated pursuant to subsection (1) of this section shall include, but not be limited to, all species of wildlife designated as endangered species by the United States Secretary of the Interior on January 1, 1973.

(3) The Department of Fish and Wildlife Resources may permit, under such terms and conditions as it may prescribe, the importation, transportation, possession, or sale of any species of wildlife otherwise prohibited pursuant to this section for zoological, educational, or scientific purposes, and for the propagation of such wildlife in captivity for preservation purposes except as otherwise prohibited by law.

Section 36. KRS 150.190 is amended to read as follows:

(1) The commissioner may, with the approval of the commission, adopt the design of all licenses required by this chapter and make all regulations for their issuance. Licenses shall be issued on a form prescribed by the commissioner, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or provide any false information when securing a license. No person shall alter a license or permit in any manner.

(2) Except as provided in subsections (3), (4), (5), (6) and (7), all licenses and tags provided for in this chapter shall be issued by the county clerk. The clerk shall sign the licenses and shall require the persons to

whom the licenses are issued to sign their name on the license attesting to the validity of the information contained thereon. The clerk shall keep a correct and complete copy of all licenses issued in the book of *licenses* [license] furnished by the department, and these records shall be open to inspection by the public during regular office hours. No county clerk or deputy shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River sport fishing licenses and Ohio River commercial fishing licenses and seine, hoop net, net, commercial trotline and snag line tags for holders of Ohio River commercial fishing licenses shall be issued by the department directly, or through such persons, resident and nonresident, as may be designated by the commissioner as *agents* [agent] for that purpose.

(4) Commercial guide's licenses, fur buyer's licenses, both resident and nonresident, and fur processor's licenses shall be issued directly by the department. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he has sufficient equipment and facilities to engage in the business of processing, manufacture and storage of raw furs.

(5) A live fish and bait dealer's license, both resident and nonresident, shall be issued directly by the department, or through such persons, resident or nonresident, as may be designated by the commissioner as *agents* [agent] for that purpose.

(6) Musseling licenses, both resident and nonresident, shall be issued directly by the department.

(7) Commercial fishing licenses, both resident and nonresident, shall be issued directly by the department, or through such residents as may be designated by the commissioner as agents for that purpose.

Section 37. KRS 150.460 is amended to read as follows:

(1) No person, firm or corporation, whether acting in a private or public capacity, shall place or cause to be placed in any public waters any substance that might injure, interfere with or cause the waters to be unfit for the support of aquatic life. When any employe of a person, firm or corporation, in the course of his employment, places or causes to be placed any such substance in any public waters, his act shall be prima facie evidence of the guilt of both the employe and the employer, and either one (1) or both may be punished as provided in subsection (4) of KRS 150.990. Each day that this section is violated shall constitute a separate offense. This section does not apply to employes or agents of the department acting in *an* official capacity.

(2) No person shall use, or attempt to use any electrical device (fish-finding devices excepted) of any type (such as telephone, or electrical leads from a magneto, or battery, or motor or any other type of electrical equipment) in any stream or body of water. This does not prevent the authorized employes or agents of the department from using this or any devices in research or investigational work.

(3) No person, except employes or agents of the department, shall wilfully place or attempt to place in any of the public waters of the state any substance which has a poisonous or intoxicating effect upon aquatic life.

(4) No person shall kill, injure, shock or stun or attempt to kill, injure, shock or stun any fishes by any explosive agent or other device. This provision shall not apply to employes or agents of the department acting in an official capacity.

Section 38. KRS 150.600 is amended to read as follows:

(1) The commissioner, with the approval of the commission, shall have the authority to regulate the taking of waterfowl within the state and shall further have the power to establish waterfowl refuges, waterfowl shooting grounds, regulate distance of pits and shooting from refuges, either on public or private lands, where hunting or shooting is permitted; to build shooting pits or blinds and make charges for their use, and do anything else necessary to control or improve the conservation or hunting of waterfowl not contrary to federal regulations.

(2) It shall be unlawful for any person for commercial purposes to hold or control land and water, or land and water used or intended to be used in whole or part, or in part for the taking of migratory waterfowl, or have the privilege of taking migratory waterfowl thereon, without first having made application to the department and paying an annual permit fee [hereinafter prescribed] that will entitle the licensee to possess blinds or pits on said lands or water in conformance with the laws and regulations as set out by the department.

(3) Any person holding or controlling land and water for commercial purposes used or intended to be used, in the whole or in part for the taking of migratory waterfowl, or for having the privilege of taking migratory waterfowl thereon shall make an application and pay an annual permit fee which entitles the holder thereof to build and construct blinds or pits on said land or water in conformance with the laws and regulations of this department.

(4) All such permits shall expire each year on the next day after the last day of the season during which it shall be lawful to take migratory waterfowl.

(5) The holder of such permits shall keep a daily register and kill survey as set out in the regulation.

(6) No person actually residing on and owning any piece of land and water, or land, or water, shall be required to secure any such permit for the privilege of hunting migratory waterfowl thereon for himself, or his immediate family, or his resident tenants and their immediate family living on the premises, but this privilege cannot be extended to anyone else and all hunting shall conform with the laws and regulations.

Section 39. KRS 151.110 is amended to read as follows:

The conservation, development and proper use of the water resources of the Commonwealth of Kentucky has become of vital importance as a result of population expansion and concentration, industrial growth, technological advances and an ever increasing demand *for* [on] water for varied industrial, municipal and recreational uses. It is recognized by the general assembly that excessive rainfall during certain seasons of the year causes *damage* [damages] from overflowing streams. However, prolonged droughts at other seasons curtail industrial, municipal, agricultural and recreational uses of water and seriously threaten the continued growth and economic well-being of the Commonwealth. The advancement of the safety, happiness and welfare of the people and the protection of property require that the power inherent in the people be utilized to promote and to regulate the conservation, development and most beneficial use of the water resources. It is hereby declared that the general welfare requires that the water resources of the Commonwealth be put to the beneficial use to the fullest extent of which they are capable, that the waste or nonbeneficial use of water be prevented, and that the conservation and beneficial use of water be exercised in the interest of the people. Therefor, it is declared the policy of the Commonwealth to actively encourage and to provide financial, technical or other support for projects that will control and store our water resources in order that the continued growth and development of the Commonwealth might be assured. To that end, it is declared to be the purpose of KRS chapters 146, 149, 151, 262 and 350.029 and 433.750 to 433.757 for the Commonwealth to permit, regulate, and participate in the construction or financing of facilities to store surplus surface water for future use; to conserve and develop the ground water resources of the Commonwealth; to protect the rights of all persons equitably and reasonably interested in the use and availability of water; to prohibit the pollution of water resources and to maintain the normal flow of all streams so that the proper quantity and quality of water will be available at all times to the people of the Commonwealth; to provide for the adequate disposition of water among the people of the Commonwealth entitled to its use during severe droughts or times of emergency; to prevent harmful overflows and flooding; to regulate the construction, maintenance and operation of all dams and other barriers of streams; to prevent the obstruction of streams and floodways by the dumping of substances therein; to keep accurate records on the amount of water withdrawal from streams and watercourses and reasonably regulate the amount of withdrawal of public water; and to engage in other activities as may be necessary to conserve and develop the water resources of the Commonwealth of Kentucky.

Section 40. KRS 152.750 is amended to read as follows:

(1) It shall be the policy of the Commonwealth of Kentucky to encourage and promote the development and demonstration of efficient, environmentally acceptable and commercially feasible technologies, techniques, and processes for conversion of coal into clean fuels in liquid, gaseous, or solid forms.

(2) This policy may be implemented by contracts and agreements with the federal government and its agencies and/or with other organizations, including private industry, and through organizations that may be formed jointly by the state, the federal government or its agencies, and private industry to conduct developmental and demonstration projects in such organizational form or legal entity deemed appropriate by the participants.

(3) This policy may be implemented by the expenditure of state funds for the preliminary engineering and planning, design, construction, and/or operation of developmental and demonstrative projects in Kentucky, including pilot and demonstration plants, and for the acquisition and improvement of land, construction of roads, and provision of other public facilities incidental and necessary to the accomplishment of developmental and demonstrative projects in Kentucky; Provided That the expenditure of state funds for the construction and/or operation of projects shall be limited to projects for which funds of the federal government have also been committed by grant, loan or other contractual agreement with the Commonwealth, or one or more of its political subdivisions, or one or more corporations doing business in the Commonwealth of Kentucky.

(4) This policy may be implemented by the sale or lease of state property or property rights to organizations engaged in developmental and demonstrative projects in Kentucky, either for a fair and reasonable consideration or solely or partly as all or a portion of the state's participation under KRS 152.755 to 152.785 in developmental and demonstrative projects.

(5) This policy may be implemented by acquisition by purchase, and if the Commonwealth is unable to contract or agree with the owner after a good faith effort to do so, by the exercise of eminent domain the fee

simple title to, or any acceptable lesser interest in such lands, rights of way, franchises, or easements, including submerged lands and riparian rights that are necessary for the construction, use or operation of any authorized demonstration project or projects and for the construction and operation of a line of railroad, truck road, overhead conveyor, pipeline or other transportation facilities for the transportation of coal, water, or other materials and supplies, to the authorized demonstration project or projects from the most convenient and accessible point on a railroad, navigable stream, or coal mine together with the necessary rights of ingress and egress to construct, examine, alter, repair, maintain, operate, or remove such transportation facilities. The proceedings for condemnation shall be as provided in *the Eminent Domain Act of Kentucky* [KRS 416.410 to 416.530].

(6) This policy may be implemented by contracts and agreements for the Commonwealth to purchase all or a portion of the usable output of developmental and demonstration projects, either for a fair and reasonable consideration or solely or partly as all or a portion of the state's participation under KRS 152.755 to 152.785 in developmental and demonstrative projects, and to dispose of this output by use in state facilities or by resale at fair market value.

Section 41. KRS 152.840 is amended to read as follows:

(1) The purpose, duties and powers of the authority shall be to:

(a) Acquire, retain and develop land for industrial and commercial purposes in Kentucky; aid in the development and promotion of industrial sites, parks and subdivisions to meet industrial and commercial needs in Kentucky.

(b) Encourage the acquisition, retention and development of land for industrial and commercial needs in Kentucky by other local development organizations, both public and private.

(c) Cooperate with the U. S. army corps of engineers and other federal agencies in formulating development plans and in acquiring and developing land for industrial and commercial purposes in accordance with these plans.

(d) Acquire by contract, lease, purchase, gift, condemnation or otherwise any real or personal property, or rights therein, necessary or suitable for establishing industrial sites, parks or subdivisions. The authority may dispose of any real or personal property, or rights therein, which in the opinion of the authority are no longer needed to carry out the purposes of KRS 152.810 to 152.930. The authority may sell or convey any or all land owned or optioned by it to any public or private organization, governmental unit, or industry for the purpose of constructing and/or operating any industrial or commercial facility. Provided, however, That no sale or conveyance of any land shall be made to a private organization or industry without such organization or industry first having executed a written contract with the authority providing that if no actual construction of an industrial facility is commenced within two (2) years, the organization or industry shall reconvey the land, free and clear of liens and encumbrances, to the authority, and the authority shall return to the organization or industry 95 per cent of the purchase price paid therefor.

(2) Upon the adoption by the authority of a resolution reciting that property is needed for industrial sites, parks and subdivisions and cannot be acquired by negotiation and purchase at its fair market value, the governmental units in which such land is located may direct and institute condemnation *proceedings* [procedures] in the name of such governmental units, for the use and benefit of the authority. The procedure for condemnation shall conform to the procedure set out in The Eminent Domain Act of Kentucky. Upon acquisition of the property, the governmental unit shall convey the property to the authority upon payment by the authority to the governmental unit of an amount of money equal to the judgment and costs paid by the governmental unit.

Section 42. KRS 152.870 is amended to read as follows:

(1) In the event that *a* joint industrial development authority is created by cities and/or counties, and thereafter a city or cities and/or counties. This section shall not apply and no dissolution then the remaining participants may jointly choose a successor member or members of the authority. No such withdrawing city or cities or county or counties shall be entitled to the return of any money or property advanced such authority.

(2) Notwithstanding the provisions of subsection (1) of this section, any cities and/or counties which have established a joint industrial development authority as provided for herein, may provide by a mutual written agreement between such cities and/or counties, and the joint industrial development authority, that such joint industrial development authority may be dissolved and may further provide that upon such complete termination, all funds, property and other assets held by the joint industrial development authority shall be returned to such cities and/or counties in the same proportion as contributions of funds, property and other assets were made by such cities and/or counties. This section shall not apply and no dissolution shall be made until such time as all legal obligations of the joint industrial development authority shall be satisfied and all existing commitments fulfilled.

Section 43. KRS 154.150 is amended to read as follows:

(1) There shall be a special revolving trust and agency fund in the treasury of the Commonwealth to be known as the industrial development finance fund to which shall be *credited* [accredited] all funds appropriated by the general assembly to the authority and all funds obtained from other sources, and all other deposits and repayments, both principal and interest, involved in administration of this chapter.

(2) There shall be a special revolving trust and agency fund in the treasury of the Commonwealth to be known as the multi-county industrial site development fund to which shall be accredited all funds appropriated by the general assembly to the multi-county industrial site development program and all funds obtained from other sources, and all deposits and repayments, both principal and interest, involved in administration of such fund.

(3) All loans to local development agencies and all costs of administration of this chapter shall be paid out of this fund. Payments shall be made in the same manner as other state expenditures, except that they shall be subject to the approval of the executive department for finance and administration only as to availability of funds.

(4) At any time that the authority determines that moneys in the fund are in excess of the amount needed by the authority to carry out the purposes of this chapter, the authority shall take such action as shall be required to release such excess from the fund and transfer the same to the appropriate fund of the state treasury.

Section 44. KRS 156.142 is amended to read as follows:

The jurisdiction of all actions brought under the provisions of KRS 156.132 to *156.138* [156.146] shall be vested in the circuit court of the county in which the school district is located.

Section 45. KRS 158.080 is amended to read as follows:

Private and parochial schools shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state. Except in those school districts operating a year-round school program as defined in KRS *157.510(4)* [157.320 (15)], the term of the school shall not be for a shorter period in each year than the term of the public school provided in the district in which the child attending the school resides. In those school districts which are operating a year-round school program, the minimum term of private and parochial schools shall be one hundred eighty-five (185) days.

Section 46. KRS 160.220 is amended to read as follows:

All elections for members of boards of education shall be by secret ballot. The county clerk shall cause to be printed on the ballot, labels and special ballots the names of legally eligible candidates who have filed a petition as provided in KRS *118.315* [119.320].

Section 47. KRS 160.485 is amended to read as follows:

(1) The imposition of license fees authorized hereby shall be by order or resolution of the fiscal court. There shall be no more than one (1) such order or resolution passed in any (1) one calendar year. In the case of license fees required to be imposed pursuant to subsection (2) of KRS 160.484 the fiscal court shall make the order or resolution within ten (10) days following receipt of the first request which makes subsection (2) of KRS 160.484 effective.

(2) The order or resolution of the fiscal court imposing license fees pursuant to subsections (1), (2), or (4) of KRS 160.484 shall go into effect thirty (30) days after its passage. If during the thirty (30) days next following the passage of the order or resolution a petition signed by a number of registered and qualified voters equal to fifteen per cent (15%) of the votes cast in the county for the office receiving the greatest total vote at the last preceding presidential election is presented to the fiscal court protesting against passage of the order or resolution, the order or resolution shall be suspended from going into effect until after the election referred to in subsection (3) of this section. Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct, and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, designation, or number of the district or ward wherein the precinct is situated. Each voter shall sign his name in the same manner as he signed the current registration form described in KRS *116.155* [117.630 or subsection (2) of KRS 117.720, as the case may be]. If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it. One or more persons shall verify by affidavit the signatures and addresses of the signers of the petition. The board or boards of registration in the county shall give necessary and appropriate aid to the fiscal court so that the latter body may make the initial, but not conclusive, determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

(3) Thereupon the fiscal court shall submit to the voters of the county at the next regular election or called common school district election, either of which to be held not less than sixty (60) days from the date of

passage of said order or resolution, the question as to whether such license fees for common school purposes shall be levied. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order or resolution shall not go into effect. If a majority of the votes cast upon the question favor its passage, the order or resolution shall go into effect.

(4) License fees imposed pursuant to KRS 160.482 to 160.488 shall become applicable upon the date specified in the order or resolution, but in no event later than the first day of the calendar year first beginning after the day upon which the said order or resolution is made.

Section 48. KRS 164.320 is amended to read as follows:

(1) The board of regents for Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Kentucky State University and Northern Kentucky University shall each consist of eight (8) members appointed by the governor, one (1) [non-voting] member of the teaching faculty, and one (1) member of the student body of the respective university or college. The [voting] members of the board shall select a chairman annually.

(2) The terms of appointed members shall be for four (4) years, and until their successors are appointed and qualified. Such appointments shall be made by the governor within thirty (30) days after the expiration of the term of each member. If the governor should fail to make any such appointment within thirty (30) days after the expiration of the term of any member, the remaining members of the board of regents of the particular university or college whose terms shall not have expired, shall make such appointment within sixty (60) days after the expiration of such term.

(3) Not more than two (2) appointed members of any board shall be residents of one county; nor more than four (4) of the appointed members of any board shall belong to the same political party. Membership on the board shall not be incompatible with any other state office.

(4) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.

(5) Each appointed member of the board shall, at the first meeting following his appointment, take an oath to faithfully discharge his duties.

(6) Each member of the board shall serve for the term for which he is appointed and until his successor is appointed and qualified.

(7) The [non-voting] faculty member shall be a teaching or research member of the faculty of his respective university or college of the rank of assistant professor or above. He shall be elected by secret ballot by all faculty members of his university or college of the rank of assistant professor or above. The faculty member shall serve for a term of three (3) years and until his successor is elected and qualified. The faculty member shall be eligible for re-election, but he shall not be eligible to continue to serve as a member of such board if he ceases being a member of the teaching staff of the university or college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

(8) The student member shall be the president of the student body of the university or college on whose board of regents he is to serve. If the president of the student body is not a full-time student who maintains permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member.

Section 49. KRS 164.929 is amended to read as follows:

(1) All new residency positions shall be located at the University of Kentucky *and* [,] the University of Louisville, but not less than one-third of the total man months per year, for the residency positions created in KRS 164.925 to 164.933, shall be spent practicing in a community facility which has been recommended by the University of Kentucky or the University of Louisville and approved by the council on public higher education.

(2) The University of Kentucky and the University of Louisville shall recommend policies and procedures for determining the allocation of new residency positions for approval by the council on public higher education using the following criteria:

(a) The available or expected number and types of qualified faculty necessary for the proper degree of supervision and teaching;

(b) The scope and volume of patient care;

(c) The amount of available physical facilities;

(d) The current number and types of residency positions offered at each university;

(e) Regional needs for the manpower trained under the provisions of KRS 164.925 to 164.933;

(f) The extent of involvement in education in primary care in ambulatory care settings; and

(g) Any other criteria which may be developed by the University of Kentucky *and* [,] the University of Louisville and accepted by the council on public higher education.

Section 50. KRS 167.230 is amended to read as follows:

The *bureau of* [division of special] education of the state department of education is hereby authorized to determine if deaf-blind children should be educated in a facility, school or institution, within or without the Commonwealth. The *bureau of* [division of special] education of the state department of education, subject to the approval of the state board of education, shall cooperate with existing agencies such as the Kentucky School for the Deaf and the Kentucky School for the Blind, in the coordination of their educational activities for such children.

Section 51. KRS 181.030 is amended to read as follows:

Any county having a city of the second class may issue and sell bonds for the purchase price or the cost of construction or reconstruction of such bridge or tunnel, including the necessary approach thereto and the necessary property for the construction or support of the bridge or tunnel, as now provided by law for the *issuance* [issual] and sale of bonds for the construction of roads, bridges and tunnels in this state.

Section 52. KRS 181.862 is amended to read as follows:

All private property damaged or destroyed in carrying out the powers granted *by* KRS 181.850 to 181.869 shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation shall be made therefor out of funds provided under the authority of KRS 181.850 to 181.869.

Section 53. KRS 189.636 is amended to read as follows:

If, in the investigation of any motor vehicle accident or traffic violation it appears that any vehicle involved therein is uninsured, the law enforcement officer making the investigation shall issue a citation to the owner of the vehicle requiring such owner to appear in a court of proper jurisdiction for violation of KRS *304.39-110* [304.99-050].

Section 54. KRS 189.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than $10.00 nor more than $100 for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than $10.00 nor more than $2,000 or imprisoned in the county jail for not more than one (1) year, or both. Any person who violates paragraph (c) of subsection (4) of KRS 189.390 shall be fined not less than one dollar ($1.00) nor more than twenty dollars ($20.00). Neither court costs nor fees shall be taxed against any person convicted of violating paragraph (c) of subsection (4) of KRS 189.390.

(2)(a) Any person who violates the weight provisions of KRS 189.221, 189.222, 189.226, 189.230, 189.270 or 189.271 shall, upon conviction, be fined in an amount equal to two cents (2¢) per pound for each pound of excess load when the excess is two thousand (2,000) pounds or less, three cents (3¢) per pound when the excess exceeds two thousand (2,000) pounds and is three thousand (3,000) pounds or less, five cents (5¢) per pound when the excess exceeds three thousand (3,000) pounds and is four thousand (4,000) pounds or less, seven cents (7¢) per pound when the excess exceeds four thousand (4,000) pounds and is five thousand (5,000) pounds or less, and nine cents (9¢) per pound when the excess exceeds five thousand (5,000) pounds but in no case shall the fine be less than fifty dollars ($50.00) nor more than five hundred ($500).

(b) Any person who violates any provision of subsections (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding five hundred ($500).

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the bureau of vehicle regulation to suspend or revoke certificates of common carriers, permits of contract carriers, or driver's or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than five dollars ($5.00) nor more than fifty dollars ($50.00) for each day he operates a truck in violation of KRS 189.170.

(4)(a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than five dollars ($5.00).

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than twenty-five dollars ($25.00) nor more than two hundred ($200).

(5)(a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (1) of KRS 189.370 shall be fined not more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(7) Any person who violates KRS 189.500 shall be fined not more than five dollars ($5.00) in excess of the cost of the repair of the road.

(8) Any person who violates KRS 189.510 shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

(9)(a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than one hundred dollars ($100) nor more than five hundred dollars ($500); for the second offense, a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) and imprisoned for not less than three (3) days nor more than six (6) months; for each subsequent offense he shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) and imprisoned for not less than thirty (30) days nor more than twelve (12) months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100).

(10) Any person who violates KRS 189.530 shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100) or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.

(11) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100) for each offense.

(12) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than twenty dollars ($20.00) nor more than one hundred dollars ($100) for each offense.

(13) The fines imposed by paragraph (a) of subsection (4) and subsections (7) and (8) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(14) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100) for each offense.

(15) Any person who violates any provision of KRS 189.575 shall, upon conviction thereof, be fined not exceeding twenty-five dollars ($25.00).

(16) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100) for each offense.

(17)(a) Any person who violates any of the provisions of KRS 189.565 shall be fined not less than fifteen dollars ($15.00) nor more than two hundred dollars ($200), or imprisoned for not more than thirty (30) days or both.

(b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name such vehicle used in the transportation of inflammable liquids or explosives is licensed, such person shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500). Each violation shall constitute a separate offense.

(18) Any person who abandons a vehicle upon the right-of-way of a state highway for seven (7) consecutive days shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) or imprisoned for not less than ten (10) days nor more than thirty (30) days.

(19) Every person convicted for violation of KRS 189.393 shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than fifty dollars ($50) nor more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157(2).

(21) A person who elects to operate a bicycle in accord with any regulations adopted pursuant to KRS 189.287 and who willfully violates a provision of such a regulation shall be fined not more than one hundred dollars ($100). A person who operates a bicycle without complying with any regulations adopted pursuant to KRS 189.287 or vehicle safety statutes shall be prosecuted for violation of the latter.

(22) Any person who violates *KRS 189.860* [this section] shall be fined not more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

Section 55. KRS 197.010 is amended to read as follows:

Definitions as used in this chapter, unless the context otherwise requires:

(1) "State agency" means any department, board, commission or agency of the state government;

(2) "Department" means department of corrections;

(3) "Penitentiaries" includes the state penal institutions for males at Eddyville and LaGrange, the institution for women located in *Pewee Valley, Oldham* [Shelby] County, together with the branches thereof and any other similar institutions hereafter established.

Section 56. KRS 200.460 is amended to read as follows:

(1) The commission shall provide through contractual agreement, or otherwise, such services as may be necessary to locate, diagnose, treat, habilitate or rehabilitate handicapped children, and may include any necessary auxiliary services, such as room and board and travel for patients and parents or parent substitutes.

(2) Children referred to the care of the commission for treatment shall be placed under the care of such physicians or surgeons as the commission deems qualified and may be placed in a hospital or home properly equipped to render the necessary treatment or services required by the child.

(3) The commission is authorized to make such expenditures as may be necessary to carry out the provisions of *this section and* KRS *200.470* [200.400] to 200.490.

Section 57. KRS 202A.990 is amended to read as follows:

(1) Any person who willfully causes or conspires with or assists another in causing:

(a) The unwarranted hospitalization of any individual under the provisions of this chapter [, KRS Chapters 203 and 210]; or

(b) The denial of any individual of any of the rights accorded to him under the provisions of this chapter, [KRS Chapters 203 and 210] shall be punished by a fine not exceeding five thousand dollars ($5,000) or imprisoned for a term not to exceed five (5) years or both.

(2) Any person who violates the confidentiality of any mental heatlh record under the provisions of *this* [KRS] chapter [202A] shall be guilty of a Class A misdemeanor.

Section 58. KRS 205.540 is amended to read as follows:

(1) An advisory council for medical assistance shall be established in the state government. The council shall consist of *fourteen (14)* [thirteen (13)] members. The secretary for human resources shall be an ex officio member. The other *thirteen (13)* [twelve (12)] members of the council shall be appointed by the Governor and shall hold office for a term of four (4) years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1960, shall be as follows: Two (2) members shall be appointed for one (1) year, two (2) for two (2) years, two (2) for three (3) years, and three (3) for four (4) years, and the respective terms of the first members shall be designated by the Governor at the time of their appointments. The term of the first optometrist member shall begin July 1, 1970. The term of the first podiatrist member shall begin July 1, 1974. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be for four (4) years or until his successor is appointed and qualified. Appointments shall be made one from each list of three (3) nominees submitted by the following organizations: the Kentucky State Medical Association; the Kentucky Dental Association; the Kentucky Hospital Association; the Kentucky Pharmaceutical Association; the Kentucky Association of Nursing Homes and Personal Care Homes; the Kentucky State Association of Registered Nurses; *the State Board of Podiatry;* and the Kentucky Optometric Association. The other five (5) appointive members shall be intelligent and discreet citizens residing within the Commonwealth, who are not members of professional groups which are recipients of vendor payments. No nominee or member of the council shall be a stockholder or have any financial interest in any hospital, nursing home, or related institution.

(2) Each appointive member of the council shall serve without compensation but shall be entitled to reimbursement for his actual and necessary expenses in carrying out his duties.

(3) Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining representations as set out in subsection (1) of this section.

(4) The council shall elect a chairman, vice-chairman, and secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The council shall hold a meeting at least once every three (3) months and such other special or regular meetings as may be desired.

Section 59. KRS 208.020 is amended to read as follows:

(1) The juvenile session of the district court of each county shall have exclusive jurisdiction in proceedings concerning any child living, or found within the county who has not reached his eighteenth birthday:

(a) Who has committed a public offense, except a moving motor vehicle offense, involving a child sixteen (16) years of age or older. The court shall not have jurisdiction in any prosecution of a moving motor vehicle offense involving a child sixteen (16) years of age or older. Juvenile offenders sixteen (16) years of age or older accused of moving motor vehicle offenses shall be treated as any adult offender; provided, however, that the term "moving motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent, nor any offense which constitutes a felony; or

(b) Who does not subject himself to the reasonable control of his parents, teacher, guardian or custodian, by reason of being wayward or habitually disobedient; or

(c) Who is an habitual truant from home or from school; or

(d) Who is found by the court to be dependent, neglected, or abused.

(2) The court of each county wherein a public offense, as defined in paragraph (a) of subsection (1) of this section, is committed by a child who is a resident of another county of this state, shall have concurrent jurisdiction over such child with the court of the county wherein the child resides, or the court of the county where the child is found. Whichever court first acquires jurisdiction of such child may proceed to final disposition of his case, or, in its discretion may make an order transferring the case to the court of the county of his residence, or the county wherein the offense was committed, as the case may be.

(3) The court of each county shall have exclusive jurisdiction of persons charged with violations of KRS 530.060 and 530.070.

(4) [The juvenile session of district court shall have exclusive jurisdiction of persons who and] No person shall willfully and unnecessarily expose to the inclemency of the weather, or in any other manner willfully injure in health or limb any child actually or apparently under the age of sixteen (16) years. *The juvenile session of district court shall have exclusive jurisdiction of persons who violate this subsection.*

(5) [The juvenile session of district court shall have exclusive jurisdiction of persons who and] No person shall for gain or reward employ or cause to be employed, or exhibit, use, or have in his custody for the purpose of exhibiting, or employing, any child actually or apparently under the age of sixteen (16) years, nor shall any person having the care, custody, or control of such child, in any way procure, or consent for gain or reward, to the employment or exhibition of such child, either:

(a) In begging or receiving alms, or in any mendicant occupation;

(b) If the child is a female, in peddling or in any wandering occupation;

(c) In any indecent or immoral occupation or practice;

(d) In the exhibition of any such child when insane, or idiotic; or

(e) In any practice or exhibition of unusual danger to life, limb, health or morals of the child.

The juvenile session of district court shall have exclusive jurisdiction of persons who violate this subsection.

(6) Any person, over whom the court has jurisdiction under subsections (3), (4) or (5) of this section, shall be entitled to a trial by jury.

(7) Nothing in this chapter shall deprive other courts of the jurisdiction to determine the custody or guardianship of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of circuit courts over adoptions and proceedings for termination of parental rights. The juvenile session of district court shall have no jurisdiction to make permanent awards of custody of a child, but if the court finds an emergency to exist affecting the welfare of a child, it may make temporary orders for its custody, pending the outcome of proceedings in circuit court to determine its permanent custody. Such orders shall be entirely without prejudice to the proceedings for permanent custody of the child, and shall remain in effect until modified or set aside by the court. Upon the entry of a temporary or final judgment in the circuit court, awarding custody of such child, all prior orders of the juvenile court in conflict therewith shall be deemed canceled.

(8) Actions brought under subsection (1)(a) of this section shall be considered to be delinquency actions.

(9) Actions brought under subsection (1)(b) and (c) of this section shall be considered to be status actions.

(10) Actions brought under subsection (1)(d) of this section shall be considered to be dependency actions.

Section 60. KRS 208.160 is amended to read as follows:

(1) When the health or physical condition of any child before the juvenile court requires it, the court may order the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will provide treatment and care. In order to ascertain the physical condition of a child, the court may cause the child to be examined by a health officer or children's clinic or any reputable physician who will conduct the examination.

(2) The [juvenile] court may order or consent to necessary medical treatment, including surgical procedures, except for the purpose of abortion or sterilization, after a hearing conducted to determine the necessity of such treatment or procedure. Reasonable notice, taking into account any emergency circumstances, shall be provided to the parents, guardian or custodian of the child to enable them to attend the hearing.

Section 61. KRS 208.200 is amended to read as follows:

(1) If in its decree the juvenile court finds that the child comes within the purview of subsections (1) or (2) of KRS 208.020, the court may, by order:

(a) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. Probation or supervision shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation or supervision shall be subject to the visitation and supervision of a probation officer or a child welfare worker. Probation and supervision methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. A child so placed on probation or supervision shall remain subject to the jurisdiction of the [juvenile] court until he becomes eighteen (18) years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of the department or of a private institution or public agency authorized to care for such children, or place the child under the custody and the supervision of a suitable person. All orders of commitment may include such advisory recommendations as the court may deem proper in the best interests of the child and of the public. Such commitment or placement shall be until the age of eighteen (18) subject to the power of the court to terminate the order and discharge the child prior thereto. The governing authorities of said department, agency or institution may likewise discharge the child unless the court directs otherwise. Prior to said discharge two weeks' notice must be given to the committing court, to the legal representative of the child and to the county attorney of the county in which committing court presides. During the period of commitment or placement, the court may review a dispositional order and may modify or terminate such order as the court deems essential to the best interests of the child. In committing a child to a private institution or agency the court shall select one that is approved by the department for human resources and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer or child welfare worker.

(2) In the event a child who has not reached his eighteenth birthday commits a new offense while under the jurisdiction of the court or during the period of commitment the court shall have exclusive, original jurisdiction of the new offense.

(3) After a child has been disposed of as provided in paragraph (a) or (b) of subsection (1) of this section he may not then be transferred to the circuit court as provided for in KRS 208.170.

(4) If a child sixteen (16) years of age or older has been adjudicated delinquent in the commission of an offense classified as a misdemeanor or violation, the court in its discretion may order as follows:

(a) Participation in a community services work program. The work program shall be of a constructive nature designed to promote the rehabilitation of the child. The program shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a probation officer or other responsible person. The work program shall not be scheduled during such times that would interfere with educational, occupational, or religious obligations of the child. Assignment to a community services work program shall be made to a governmental or nonprofit community organization for a specified period of time, not to exceed one hundred and twenty (120) hours for a child adjudicated delinquent in the commission of a Class A misdemeanor, not to exceed eighty (80) hours for a child adjudicated delinquent in the commission of a Class B misdemeanor, and not to exceed forty (40) hours for a child adjudicated delinquent in the commission of an offense classified as a violation under the penal code. A child may be directed to participate in a community services work program as provided in this subsection for the purposes of restitution authorized by KRS 208.240.

(b) The court may impose a fine for a misdemeanor or violation offense. The imposition of a fine for a misdemeanor or violation offense committed by a child shall be based upon a determination that such disposition is in the best interest of the child and to aid in his rehabilitation. Any such order shall include a finding that the child is financially able to pay such fine.

(c) Fines shall be levied consistent with the schedule set forth below:
For a Class A misdemeanor, not to exceed $150;
For a Class B misdemeanor, not to exceed $75; and
For a violation, not to exceed fifty dollars ($50).

When a child is directed by the court to pay a fine, the court may provide for payment to be made within a specified period of time or in specified installments. If such provision is not made a part of the court's disposition, the fine shall be payable immediately.

(5) When a child has been ordered to comply with the provisions in subsection (4) above and fails to do so, the court upon motion of the prosecuting attorney or upon its own motion may require the child to show cause why he should not be held in detention for noncompliance with the court order. The court may issue an order of custody or a summons for his appearance.

(6) Following issuance of a show cause order pursuant to subsection (5) above, unless the child can show that noncompliance was not the result of an intentional refusal to comply with the court order or not the result of a failure to make a good faith effort to comply with the court order, the court may order the child detained as follows:

(a) For a period not to exceed five (5) days if the order is imposed for the commission of a Class A misdemeanor;

(b) For a period not to exceed three (3) days if the order is imposed for the commission of a Class B misdemeanor;

(c) For a period not to exceed two (2) days if the order is imposed for the commission of a violation.

Any detention imposed for failure to comply with the court order shall not be scheduled for a time that would interfere with the educational obligations of the child, and shall be in an approved detention facility as provided in KRS 208.130.

(7) When in the judgment of the court a disposition stated above in subsection (4) is inadequate to aid in the rehabilitation of a misdemeanor offender, the court in its discretion may order a child sixteen (16) years of age or older who has been adjudicated delinquent in the commission of an offense classified as a misdemeanor to detention in an approved detention facility as provided in KRS 208.130 based upon the schedule set forth below:

Class A misdemeanor, 1 to 30 days;
Class B misdemeanor, 1 to 15 days;

provided, that, the court shall advise the child prior to entering its order under this subsection that the child upon demand may receive a trial by jury in the regular session of district court, which trial and any appeal therefrom shall be conducted in accordance with the Rules of Criminal Procedure.

The detention of a juvenile misdemeanor offender shall not be scheduled to interfere with the educational obligations of the child. Detention may be scheduled during periods such as weekends, after school, or overnight. Any portion of a day spent in detention shall be deemed as one day for the purposes of serving a detention term.

(8) No adjudication by a juvenile court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Section 62. KRS 208.320 is amended to read as follows:

(1) In counties containing a city of the first or second class, the county judge/executive, or in counties containing an urban-county government, the mayor, may appoint a chief probation officer of the [juvenile] court and such number of assistant probation officers, professional and clerical personnel as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge/executive. The officers shall be peace officers, with all the powers of the sheriff in making arrests and carrying out the purposes of this chapter. A probation officer may take into custody any child that he has reasonable grounds to believe is in violation of conditions of his or her probation, and detain such child for appropriate action by the court.

(2) In any county, the district court may appoint or designate one (1) or more discreet persons of good moral character to serve as volunteer probation officers of the juvenile court. Such officers shall serve during the pleasure of the judge and without compensation, except that the fiscal court may authorize the payment of compensation and reasonable expenses out of the county treasury of any such officers. Representatives of the department for human resources may be appointed or designated as such volunteer probation officers, but without compensation from county funds.

(3) A child welfare worker may be, upon the recommendation of the secretary for human resources, appointed by the governor to act as a peace officer in carrying out the purpose of this chapter and KRS chapter 199. If the department deems it necessary, it may appoint a child welfare worker to cooperate with the court.

Section 63. KRS 211.820 is amended to read as follows:

(1) [In order to further the declared purposes of KRS 211.810 to 211.830,] The *department for human resources* [institute] shall have the following functions, powers and duties:

(a) To conduct a survey of all of the existing facilities within the state having to do with the diagnosis, evaluation and treatment of patients with kidney disease and to prepare and submit its findings and a specific program of action.

(b) To evaluate the need for the creation of local or regional facilities and for the establishing of a major kidney research center.

(c) To develop and administer scientific investigations into the cause, prevention, methods of treatment and cure of renal disease, including research into transplantation of kidneys.

(d) To develop techniques for an effective method of mass testing for the detection of kidney diseases and urinary tract infections.

(e) To develop more efficient methods of medical care for kidney disease and to develop more effective and economical kidney dialysis equipment.

(f) To survey and evaluate the need for a program of professional education and training for medical students, physicians and nurses in the care and treatment of kidney diseases.

(g) To report to the governor and to a committee of the legislature annually on or before February 1 its findings, a progress report, its activities [carried on under KRS 211.810 to 211.830] and the state's total needs in this area.

(h) To enter into such contracts and agreements with individuals, colleges, universities, associations, corporations, municipalities and other units of government as may be deemed necessary and advisable to carry out the general intent and purposes of *this section* [KRS 211.810 to 211.830]. Such contracts may provide for payment by the state, within the limit of funds available, for materials, equipment or services.

(2) The *secretary* [commissioner] may adopt rules and regulations necessary to effect the purposes *of this section* [and provisions of KRS 211.810 to 211.830].

Section 64. KRS 213.340 is amended to read as follows:

(1) In all actions for divorce, absolute or limited or annulment of marriage, the plaintiff or his attorney or legal representative shall file concurrently with the complaint, such information as is requested on forms prescribed and furnished by the *office* [division] of vital statistics.

(2) Each circuit court clerk shall, within forty-five (45) days after entry of a final judgment of divorce, absolute or limited or annulment of marriage, complete the form prescribed and furnished by the *office* [division] of vital statistics and forward it to the *office* [division] of vital statistics.

Section 65. KRS 214.990 is amended to read as follows:

(1) Every head of a family who wilfully fails or refuses and every physician who fails or refuses to comply with KRS 214.010 shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100) for each day he neglects or refuses to report. Repeated failure to report is sufficient cause for the revocation of a physician's certificate to practice medicine in this state.

(2) Any owner or person having charge of any public or private conveyance, including watercraft, who refuses to obey the rules and regulations made by the department for human resources under KRS 214.020 shall, for each offense, be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500) or imprisoned in the county jail for not less than ten (10) nor more than sixty (60) days, or both.

(3) Any physician or other person legally permitted to engage in attendance upon a pregnant woman during pregnancy or at delivery who fails to exercise due diligence in complying with KRS 214.160 *and* [,] 214.170 shall be fined not less than five dollars ($5.00) nor more than ten dollars ($10.00).

(4) Any person who violates any of the provisions of KRS 214.190 to 214.270 shall be fined not less than one hundred dollars ($100) or imprisoned in the county jail for not more than ninety (90) days, or both.

(5) Any person who violates any of the provisions of KRS 214.280 to 214.310 shall be fined not less than twenty dollars ($20.00) nor more than one hundred dollars ($100) for each offense, or imprisoned in the county jail for not less than three (3) months nor more than six (6) months, or both.

(6) Any person who violates any provision of KRS 214.034 or KRS 158.035 shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100), or imprisoned for not less than ten (10) days nor more than sixty (60) days, or both.

Section 66. KRS 216.750 is amended to read as follows:

As used in KRS 216.750 to 216.780:

(1) "Nursing home" and "personal care home" have the meaning that they are given in KRS 216.610;

(2) "Fund" means the nursing home and personal care home loan fund;

(3) *"Secretary" means the secretary for human resources* ["Board" means the nursing home and personal care home loan fund board].

Section 67. KRS 216.833 is amended to read as follows:

(1) The authority may purchase, whenever it shall deem such purchase expedient, from funds provided pursuant to KRS 216.800 to 216.853, lands, structures, property, rights, rights of way, *franchises* [franchise], easements and other interests in land, including lands lying under water and riparian rights, which are located within the Commonwealth, as it may deem necessary or convenient for the construction and operation of any project, upon such terms and at such prices as may be considered by it to be reasonable, and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the authority.

(2) If a reasonable price cannot be agreed upon, or if the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the authority may acquire by condemnation or by eminent domain any lands, property, rights of way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, partnership, association, railroad, public service, public utility or other corporation, or municipality or political subdivision, deemed necessary or convenient for the construction or the efficient operation of any project or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall be conducted, and the compensation to be paid shall be ascertained and paid, in the manner provided by the constitution and laws of the Commonwealth which relate to condemnation or to the exercise of the power of eminent domain. Title to any property acquired by the authority shall be taken in the name of the authority. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the authority and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the authority to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the authority shall impose any liability upon the Commonwealth except as may be paid from the funds provided under KRS 216.800 to 216.853.

(3) If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up his possession thereof, the authority may proceed to obtain possession in any manner provided by law.

Section 68. KRS 217.640 is amended to read as follows:

Jurisdiction in all matters pertaining to the distribution, sale and transportation of *pesticides* [economic poisons] is by KRS 217.540 to 217.640 vested exclusively in the secretary and all acts and parts of acts inconsistent with KRS 217.540 to 217.640 are hereby expressly repealed including the provisions of KRS 217.400 which cover economic poisons subject to KRS 217.540 to 217.640.

Section 69. KRS 217B.070 is amended to read as follows:

(1) No person shall engage in the business of applying pesticides to the lands of another within this state at any time without a pesticide applicator's license issued by the department. The department shall require an annual fee of $25.00 for each pesticide applicator's license issued and, in addition, an inspection fee of $10.00 for each aircraft to be licensed and $10.00 for each piece of ground equipment to be licensed. Should any equipment fail to pass inspection under KRS 217B.160, making it necessary for a second inspection to be made, the department shall require an added inspection fee of $5.00. In addition to the required inspection, unannounced inspections may be made without charge to determine if equipment is properly calibrated and maintained in conformance with laws and regulations.

(2) Application for a license shall be made in writing to the department on a designated form obtained from the department. Each application for a license shall contain information regarding the applicant's qualifications and proposed operations, license classification or classifications the applicant is applying for, and shall include the following:

(a) The full name of the person applying for the license;

(b) If the applicant is an individual, receiver, trustee, firm, partnership, association, corporation, or other organized group of persons whether or not incorporated, the full name of each member of the firm or partnership, or the names of the officers of the association, corporation, or group;

(c) The principal business address of the applicant in the state and elsewhere;

(d) The name and address of a person, who may be the secretary of state, whose domicile is in the state, and who is authorized to receive and accept services of summons and legal notice of all kinds for the applicant;

(e) The model, make, horsepower, and size of any equipment used by the applicant to apply pesticides;

(f) Any other necessary information prescribed by the director.

(3) The department shall require an applicant for a license to show upon examination that he possesses adequate knowledge concerning the proper use and application of pesticides in the classifications he has applied for, manually or with the various equipment that he may have applied for a license to operate. The examination shall require a working knowledge of:

(a) The proper use of the equipment.

(b) The hazards that may be involved in applying pesticides, including:

1. The effect of drift of the pesticides on adjacent and nearby lands and other nontarget organisms;

2. The proper meteorological conditions for the application of pesticides and the precautions to be taken therewith;

3. The effect of the pesticides on plants or animals in the area, including the possibility of damage to plants or animals or the possibility of illegal pesticide residues resulting on them;

4. The effect of the application of pesticides to wildlife in the area, including aquatic life;

5. The identity and classification of pesticides used and the effects of their application in particular circumstances;

6. The likelihood of contamination of water or injury to persons, plants, livestock, pollinating insects, and vegetation.

(c) Calculating the concentration of pesticides to be used in particular circumstances.

(d) Identification of pests to be controlled by common name only and the damages caused by such pests.

(e) Protective clothing and respiratory equipment required during the handling and application of pesticides.

(f) General precautions to be followed in the disposal of containers as well as the cleaning and decontamination of the equipment which the applicant proposes to use.

(g) Applicable state and federal pesticide laws and regulations.

(4) If the department finds the applicant qualified to apply pesticides in the classifications he has applied for and, if the applicant files the bond or insurance required under KRS 217B.130, and if the applicant applying for a license to engage in aerial application of pesticides has met all of the requirements of the federal aviation agency and the *department of transportation* [aeronautics commission of this state] to operate the equipment described in the application, the department shall issue a pesticide applicator license limited to the classifications for which he is qualified, which shall expire at the end of the calendar year of issue unless it has been revoked or suspended prior thereto by the department for cause or the financial security required under KRS 217B.130 is not dated to expire at an earlier date, in which case said license shall be dated to expire upon expiration date of said financial security.

Section 70. KRS 217B.080 is amended to read as follows:

It shall be unlawful for any person to act as an employe of a pesticide applicator and apply pesticides manually or as the operator directly in charge of any equipment which is licensed or should be licensed under the provisions of this chapter for the application of any pesticide, without having obtained an operator's license from the department. Such an operator's license shall be in addition to any other license or permit required by law for the operation or use of any such equipment. Any person applying for such an operator's license shall file an application on a form prescribed by the department on or before January 1 of each year. Application for a license to apply pesticides shall be accompanied by a license fee of $10. The provisions of this section shall not apply to any individual who has passed the examination provided for in subsection (3) of KRS 217B.070, and is a licensed pesticide applicator. If the department finds the applicant qualified to apply pesticides in the classifications he has applied for after examinations as provided for in subsection (3) of KRS 217B.070, and if the applicant applying for a license to engage in aerial applications of pesticides has met all of the requirements of the Federal Aviation Agency and the *department of transportation* [Aeronautics Commission of this state] to operate the equipment described in the application, the department shall issue a pesticide operator license limited to the classifications for which he is qualified which shall expire at the end of the calendar year of issue unless it has been revoked or suspended prior thereto by the department for cause as provided for in KRS 217B.120.

Section 71. KRS 217B.103 is amended to read as follows:

(1) The department may suspend for not longer than ten (10) days, pending inquiry, and, after opportunity for a hearing, the department may deny, suspend, revoke, or modify the provision of any license issued under KRS 217B.100 if it finds that the applicant or licensee or his employe has committed any of the following acts, each of which is declared to be a violation of this section:

(a) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized or sold;

(b) Made a pesticide recommendation not in accordance with the label registered pursuant to KRS *217.541* [217.540] to 217.640;

(c) Violated any provision of this chapter or any rule or regulation adopted by the department or of any lawful order of the department;

(d) Failed to pay the original or renewal license fee when due, and continue to sell restricted use pesticides without paying the license fee, or sold restricted use pesticides without a license;

(e) Was guilty of gross negligence, incompetency or misconduct in acting as a pesticide dealer;

(f) Refused or neglected to keep and maintain the records required by this chapter, or to make reports when and as required; [or]

(g) Made false or fraudulent records, invoices, or reports;

(h) Used fraud or misrepresentation in making an application for a license or renewal of a license, or in selling or offering to sell restricted use pesticides;

(i) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license;

(j) Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, combined or conspired with such a licensed or unlicensed person to evade the provisions of this chapter, or allowed one's license to be used by an unlicensed person;

(k) Impersonated any state, county, or city inspector or official;

(l) Stored or disposed of containers or pesticides by means other than those prescribed on the label or adopted regulations.

(2) Any licensee whose license is revoked under the provisions of this section shall not be eligible to apply for a new license hereunder until such time has elapsed from the date of the order revoking said license as established by the department, not to exceed two (2) years, or if an appeal is taken from said order or revocation, not to exceed two (2) years from the date of the order or final judgment sustaining said revocation.

Section 72. KRS 217B.105 is amended to read as follows:

(1) No person shall act in the capacity of a pesticide dealer, or shall engage or offer to engage in the business of, advertise as, or assume to act as a restricted use pesticide dealer unless he is licensed annually as provided in this section. A separate license and fee shall be required for each location or outlet from which restricted use pesticides are distributed.

(2) Application for a pesticide dealer license shall be in the form and shall contain the information prescribed by the department. Each application shall be accompanied by a fee of $5.00. All licenses issued under this section shall expire on December 31 of the year for which they are issued. The license for a pesticide dealer may be renewed annually upon application to the department, accompanied by a fee of $5.00 for each license, on or before the first day of January of the calendar year for which the license is issued.

(3) The department shall issue to each applicant who satisfies the requirements of this section a license which entitles the applicant to conduct the business described in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended.

(4) The department shall prescribe regulations requiring restricted use pesticide dealers to maintain such records with respect to their operations as *it* [he] determines are necessary for the effective enforcement of this chapter. Such records shall include, but not be limited to: brands and amounts of restricted use pesticides sold; buyer's name, address and applicator's license number; provided that, no records required under this Section shall extend to financial data, sales data, other than amount and shipment data, pricing data and personnel data. Such records are to be retained for a period of two (2) years from the time of sale. For the purposes of enforcing the provisions of this chapter, any pesticide dealer shall, upon request of the department, furnish or permit *the department* [such person] at all reasonable times to have access to, and to copy, records as required by this section.

Section 73. KRS 217B.120 is amended to read as follows:

The department may suspend, pending inquiry, for not longer than ten (10) days, and, after opportunity for a hearing, may deny, suspend, revoke, or modify the provision of any applicator's, operator's or consultant's license issued under this chapter, if it finds that the applicant or licensee has committed any of the following acts, each of which is declared to be a violation of this chapter:

(1) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized;

(2) Made a pesticide recommendation or application not in accordance with the label registered by the department under KRS *217.541* [217.540] to 217.640;

(3) Applied known ineffective or improper materials;

(4) Operated faulty or unsafe equipment;

(5) Operated in a faulty, careless, or negligent manner;

(6) Refused or, after notice, neglected to comply with the provisions of this chapter, the rules adopted hereunder, or of any lawful order of the department;

(7) Refused or neglected to keep and maintain the records required by this chapter, or to make reports when and as required;

(8) Made false or fraudulent records, invoices, or reports;

(9) Engaged in the business of the application of a pesticide without having a licensed applicator or operator in direct "on-the-job" supervision;

(10) Operated unlicensed equipment;

(11) Used fraud or misrepresentation in making an application for a license or renewal of a license;

(12) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license or permit;

(13) Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, combined or conspired with such a licensed or an unlicensed person to evade the provisions of this chapter, or allowed one's license to be used by an unlicensed person;

(14) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land; or

(15) Impersonated any state, county, or city inspector or official.

Section 74. KRS 217A.990 is amended to read as follows:

(1) Any person who violates the provisions of KRS 217A.090, 217A.100, 217A.110 or 217A.130 shall be fined not more than $1,000 or imprisoned not more than one (1) year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in subsection (13) (h) of KRS 217A.010), such person shall be fined not more than $10,000 or imprisoned in the penitentiary not more than three (3) years, or both. When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(2) No carrier shall be subject to the penalties of this chapter, other than the penalties for violation of KRS 217A.110, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of poultry and rabbit or poultry and rabbit products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such poultry and rabbit or poultry and rabbit products were not inspected or marked in accordance with the provisions of this chapter or were otherwise not eligible for transportation under this chapter or unless the carrier refuses to furnish on request of a representative of the commissioner the name and address of the person from whom he received such poultry and rabbit or poultry and rabbit products, and copies of all documents, if any there be, pertaining to the delivery of the poultry and rabbit or poultry and rabbit products to such carrier.

(3) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be fined not more than $5,000 or imprisoned in the penitentiary not more than three (3) years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned in the penitentiary not more than ten (10) years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this chapter shall be subject to punishment as provided under KRS *507.020* [435.010].

(4)(a) Any person that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the commissioner shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $1,000 nor more than $5,000, or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

(b) Any person that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this chapter, or that shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any person subject to this chapter or that shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of any person subject to this chapter or that shall willfully remove out of the jurisdiction of this Commonwealth, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any such person, or that shall willfully refuse to submit to the commissioner or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person subject to this chapter in his or its possession or within his or its control, shall be deemed guilty of a felony and shall be subject, upon conviction in any court of competent jurisdiction to a fine of not less than $1,000 nor more than $5,000 or to imprisonment in the penitentiary for a term of not more than three (3) years, or to both such fine and imprisonment.

(c) If any person required by this chapter to file any annual or special report shall fail so to do within the time fixed by the commissioner for filing the same, and such failure shall continue for thirty (30) days after notice of such default, such person shall forfeit to this Commonwealth the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the treasury of this Commonwealth, and shall be recoverable in a civil suit in the name of the Commonwealth brought in the circuit court where the person has his or its principal office or in any circuit court in which he or it shall do business or in Franklin County Circuit Court. It shall be the duty of the various attorneys, under the direction of the attorney general of this state, to prosecute for the recovery of such forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of this state.

(d) Any officer or employe of this Commonwealth who shall make public any information obtained by the commissioner without his authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment, not exceeding one (1) year, or by both such fine and imprisonment, in the discretion of the court.

Section 75. KRS 218A.990 is amended to read as follows:

(1) Any person who knowingly and unlawfully traffics in or transfers a controlled substance classified in Schedules I or II which is a narcotic drug shall, for the first offense, be confined in the penitentiary for not less than 5 years nor more than 10 years or be fined not less than $5,000 nor more than $10,000, or both, and for each subsequent offense shall be confined in the penitentiary for not less than 10 years nor more than 20 years or be fined not less than $10,000 nor more than $20,000, or both.

(2) Any person who knowingly and unlawfully traffics in a controlled substance classified in Schedules I or II other than a narcotic drug, except marijuana, or in any controlled substance classified in Schedule III shall, for the first offense, be confined in the penitentiary for not less than 1 year nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both, and for each subsequent offense shall be confined in the penitentiary for not less than 5 nor more than 10 years or be fined not less than $5,000 nor more than $10,000, or both.

(3) Any person who knowingly and unlawfully traffics in any controlled substance classified in Schedules IV or V or transfers any controlled substance other than a narcotic drug except marijuana, classified in Schedules I, II, or III shall, for the first offense, be confined in the county jail for not more than 1 year or be fined not more than $500, or both, and for each subsequent offense shall be confined in the penitentiary for not less than one nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both.

(4) Any person who knowingly and unlawfully manufactures, sells, or possesses with intent to sell marijuana shall, for the first offense, be confined in the county jail for not more than 1 year or be fined not more than $500, or both, and for each subsequent offense shall be confined in the penitentiary for not less than 1 nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both.

(5) Any person who knowingly and unlawfully possesses a controlled substance classified in Schedules I or II which is a narcotic drug shall be, for the first offense, confined in the penitentiary for not less than 1 year nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both and for each subsequent offense shall be confined in the penitentiary for not less than 5 years nor more than 10 years or be fined not less than $5,000 nor more than $10,000, or both.

(6) Except as otherwise provided in this subsection, any person who knowingly and unlawfully possesses any controlled substance classified in Schedules I, II, or III which is not a narcotic drug, except marijuana, or of any controlled substance classified in Schedules IV, or V, shall be confined in the county jail but not more than 1 year or be fined not more than $500, or both.

(a) Any person found guilty of possession of any controlled substance pursuant to this subsection shall for a first offense, be ordered to a facility designated by the Commissioner of the Department of Mental Health where a program of treatment and rehabilitation not to exceed one year in duration shall be prescribed. The person ordered to the designated facility shall present himself for registration and initiation of a treatment program within five days of the date of sentencing. If, without good cause, the person fails to appear at the designated facility within the specified time, or if at any time during the program of treatment prescribed, the authorized clinical director of the facility finds that the person is unwilling to participate in his treatment and rehabilitation, the director shall notify the sentencing court. Upon receipt of notification, the court shall cause the person to be brought before it and may continue the order of treatment and rehabilitation, or may order confinement in the county jail for not more than one year or a fine of not more than $500, or both. Upon discharge of the person from the facility by the Commissioner of the Department of Mental Health or his designee prior to the expiration of the one-year period or upon satisfactory completion of one year of treatment, the person shall be deemed finally discharged from sentence. The commissioner or his designee shall notify the sentencing court of the date of such discharge from the facility.

(b) The Commissioner of the Department of Mental Health or his designee shall inform each court of the identity and location of the facility to which such person is sentenced.

(c) Transportation to the facility shall be provided by the court when the court finds the person unable to convey himself to the facility within five days of sentencing by reason of physical infirmity or financial incapability.

(d) The sentencing court shall immediately notify the designated facility of the sentence and its effective date.

(e) The Commissioner of Mental Health, or his designee, may authorize transfer of the person from the initially designated facility to another facility for therapeutic purposes. The sentencing court shall be notified of termination of treatment by the terminating facility.

(f) Responsibility for payment for treatment services rendered to persons pursuant to this section shall be as under the statutes pertaining to payment of patients and others for services rendered by the Department of Mental Health unless the person and the facility shall arrange otherwise.

(g) Any person found guilty of a subsequent offense of possession of controlled substances in violation of subsection (6) of this section shall be confined in the county jail for not more than 1 year or be fined not more than $500, or both.

(h) Prior to the imposition of sentence upon conviction of a second or subsequent offense, the court shall obtain a report of case progress and recommendations regarding further treatment from the facility at which the person was treated following his first conviction. If such material is not available, the court shall notify the Commissioner of the Department of Mental Health, and the commissioner shall cause the person to be examined by a psychiatrist employed by the department to evaluate his mental condition and to make recommendations regarding treatment and rehabilitation. The psychiatrist making the examination shall submit a written report of his findings and recommendations regarding treatment and rehabilitation to the court which shall make the report available to the prosecuting attorney and the attorney for the defendant. The court shall take such reports into consideration in determining sentence. The commissioner may decline to cause such examination to be made if the number of psychiatrists on duty in the department is insufficient to spare one from his regular duties or if no such service may be purchased at regular departmental rates, in such event the commissioner shall notify the clerk of the court to that effect within three days after receipt of notification by the court.

(i) For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this Act or under any statute of the United States or of any state relating to the substances classified as controlled substances.

(j) None of the provisions of this subsection shall be deemed to preclude the court from exercising its usual discretion with regard to ordering probation or conditional discharge.

(k) In the case of any person who has been convicted for the first time of possession of controlled substances, the court may set aside and void the conviction upon satisfactory completion of treatment, probation or other sentence, and issue to the person a certificate to that effect. A conviction voided under this subsection shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Voiding of conviction under this subsection and dismissal may occur only once with respect to any person.

(7) Any person who knowingly and unlawfully possesses for his own use or transfers marijuana shall be confined in the county jail for not more than 90 days or be fined not more than $250.

(a) Any person found guilty of violating subsection (7) above may be ordered to a facility designated by the Commissioner of the Department of Mental Health where a program of education, treatment, and rehabilitation not to exceed ninety days in duration shall be prescribed. The person ordered to the designated facility shall present himself for registration and initiation of a treatment program within five days of the date of sentencing. If without good cause, the person fails to appear at the designated facility within the specified time, or if any time during the program of treatment prescribed, the authorized clinical director of the facility finds that the person is unwilling to participate in his treatment and rehabilitation, the director shall notify the sentencing court. Upon receipt of notification, the court shall cause the person to be brought before it and may continue the order of treatment and rehabilitation, or may order confinement in the county jail for not more than ninety days or a fine of not more than $250 or both. Upon discharge of the person from the facility by the Commissioner of the Department of Mental Health or his designee prior to the expiration of the ninety-day period or upon satisfactory completion of ninety days of treatment, the person shall be deemed finally discharged from sentence. The Commissioner or his designee shall notify the sentencing court of the date of such discharge from the facility.

(b) The Commissioner of the Department of Mental Health or his designee shall inform each court of the identity and location of the facility to which a person sentenced by that court under this chapter shall be initially ordered.

(c) In the case of a person ordered to a facility for treatment and rehabilitation pursuant to this chapter, transportation to the facility shall be provided by the court when the court finds the person unable to convey himself to the facility within five days of sentencing by reason of physical infirmity or financial incapability.

(d) The sentencing court shall immediately notify the designated facility of the sentence and its effective date.

(e) The Commissioner of Mental Health, or his designee, may authorize transfer of the person from the initially designated facility to another facility for therapeutic purposes. The sentencing court shall be notified of termination of treatment by the terminating facility.

(f) Responsibility for payment for treatment services rendered to persons pursuant to this section shall be as under the statutes pertaining to payment by patients and others for services rendered by the Department of Mental Health unless the person and the facility shall arrange otherwise.

(g) None of the provisions of this chapter shall be deemed to preclude the court from exercising its usual discretion with regard to ordering probation or conditional discharge.

(h) In the case of any person who has been convicted of possession of *marijuana* [controlled substances in the third degree], the court may set aside and void the conviction upon satisfactory completion of treatment, probation or other sentence, and issue to the person a certificate to that effect. A conviction voided under this subsection shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(8) Any person who violates any provision of subsection (3), (4), or (5) of KRS 218A.140 with respect to a controlled substance classified in Schedules I, II, or III shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than 1 year nor more than 5 years, or by a fine of not less than $3,000 nor more than $5,000, or both.

(9) Any person who violates any provision of subsection (3), (4), or (5) of KRS 218A.140 with respect to a controlled substance classified in Schedules IV or V shall be guilty of a felony and shall be punished by not less than 1 year nor more than 3 years imprisonment, or by a fine of not less than $1,000 nor more than $3,000, or both.

(10) Any person who violates subsection (6) of KRS 218A.140 or who violates any other provision of this chapter, for which a specific penalty is not otherwise provided, shall be guilty of a misdemeanor and shall upon conviction be imprisoned for not more than 90 days or fined not more than $500, or both.

Section 76. KRS 220.557 is amended to read as follows:

The report described in KRS 220.555 shall be made and filed within one (1) year of an order made under KRS *220.553* [220.551] which establishes the construction subdistrict or the order made under KRS *220.553* [220.551] shall be deemed to have been one dismissing the petition and it shall be deemed to have been dismissed at the end of the one-year period.

Section 77. KRS 220.563 is amended to read as follows:

Within sixty (60) days after the final publication of an order made under KRS *220.553* [220.551], which dismisses a petition for creation of a construction subdistrict or within sixty (60) days after final publication of an order made under KRS 220.561 any person who would have been qualified to sign a petition described in KRS *220.553* [220.551] may appeal such order of the district to the circuit court for the county in which the proposed construction subdistrict is located. All matters appealed from shall be tried de novo and as an equitable action. Decisions of the circuit court may be appealed to the Court of Appeals.

Section 78. KRS 220.573 is amended to read as follows:

(1) Assessment liens imposed by KRS *220.553* [220.551] to 220.613 are prior to all other liens except liens for taxes and other assessment liens already attached.

(2) Assessment liens may be enforced pursuant to KRS 426.005 and KRS 426.006.

Section 79. KRS 220.577 is amended to read as follows:

(1) The district is authorized and empowered to issue negotiable, interest bearing, construction subdistrict bonds which shall not be an obligation of the district; construction subdistrict revenue bonds shall be secured solely by the revenues pledged by KRS 220.593 and by moneys, if any, in the construction subdistrict reserve fund authorized by KRS 220.593. Construction subdistrict bonds can be issued to obtain funds for the building, installation or acquisition of construction subdistrict facilities or for refunding construction subdistrict bonds of the same construction subdistrict. Notwithstanding the foregoing two (2) sentences construction subdistrict bonds can be served by assessments.

(2) Construction subdistrict bonds shall be authorized by resolution of the board, shall bear such date or dates, shall mature at such time or times, not exceeding forty (40) years from their respective dates, bear interest at such rate or rates, not exceeding six per cent (6%) per annum, payable annually or oftener, be in such form, wholly registered, registered as to principal with bearer coupon, or bearer with coupon, carry such registration privileges, be executed in such manner, be payable in such manner, be payable in such medium of payment at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may require. Construction subdistrict bonds shall be sold at public sale for such price or prices as the board determines, Provided however, That the interest costs of the money received from any issue of construction subdistrict bonds shall not exceed six per cent (6%) per annum when computed to the maturity of the bonds according to standard tables of bond values.

(3) Any resolution or resolutions authorizing any bonds pursuant to this section may contain provisions, which shall be a part of the contract with the holders of the bonds, concerning

(a) a pledge of or a security interest in the revenue derived from the construction subdistrict;

(b) the amounts to be raised in each year by rates, rentals, and charges, and the use and disposition thereof;

(c) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(d) limitations on the right of the district to restrict and regulate the use of the subdistrict facilities;

(e) limitations on the purposes to which the proceeds of sale of any issue of bonds then or thereafter to be issued with respect to the same construction subdistrict may be applied;

(f) limitations on the issuance of additional bonds for the same construction subdistrict; and

(g) the procedure, if any, by which the term of any contract with bondholders may be amended or be abrogated, and amount of the bonds the holders of which must give consent thereto, and the manner in which such consent may be given.

(4) Construction subdistrict bonds shall not constitute an obligation or indebtedness of the district or of any city or county, and it shall be stated plainly on the face of each construction subdistrict bond that it has been issued under the provisions of KRS *220.553* [220.551] to 220.613 and that it does not constitute an obligation or indebtedness of the district or any city or county. All construction subdistrict bonds issued hereunder may be issued without vote of the voters and without any other proceedings or happenings of any other condition or things than those proceedings, conditions, and things which are specified and required by KRS *220.553* [220.551] to 220.613. Construction subdistrict bonds shall be signed in the name of the district by the chairman or vice-chairman of the board, attested by the signature of the secretary-treasurer, with corporate seal of the district attached. The bonds may also be executed pursuant to KRS 61.390.

Section 80. KRS 220.585 is amended to read as follows:

After the creation of a construction district under the provisions of KRS *220.553* [220.551] to 220.561, the board may, if the board deems it feasible, instead of issuing bonds as provided in KRS 220.575, issue apportionment warrants, using the procedures after assessment set out in KRS 184.150 to 184.250, "road district" being read as "sanitation district," "board of directors" being read as "sanitation district board" and the reference to roads being read as reference to sewers and treatment plants.

Section 81. KRS 220.587 is amended to read as follows:

(1) If the district finds as a fact that the methods of financing sewer facilities within a construction subdistrict provided for in KRS *220.553* [220.551] to 220.613, will be inadequate, uneconomic, or unduly burdensome to the residents to be initially served, the district may contract with one or more persons to construct or cause to be constructed a sewer system within the construction subdistrict or to advance or loan money to the district for the construction of a sewer system within the construction subdistrict. The sewer system constructed will be the property of the construction subdistrict and will be a construction subdistrict facility. When the district finds that one or more financing methods for construction subdistricts established by KRS *220.553* [220.551] to 220.613, excluding this section, have become feasible, the district may adopt such method or methods to raise the money to pay for the construction of sewer facilities within the construction subdistrict or to pay the loan.

(2) The contract may be made prior to the making of an order establishing the construction subdistrict. The contract may require that one or more persons agree to buy construction subdistrict bonds to be issued pursuant to KRS 220.577 in an amount specified, which shall be sufficient to finance the construction of the sewer system. The maximum price and yield of the bonds shall be stated in the contract. Such contract shall not prevent the district from selling the bonds to a lower bidder.

(3) All contracts made pursuant to this section shall be in writing and shall contain a covenant that this section shall prevail over any contrary feature of the contract.

(4) The general assembly declares that the public policy of the Commonwealth will not be offended merely because a contract or loan made pursuant to this section is privately negotiated or because it is made without competitive bidding.

(5) Bonds sold to one or more contracting parties pursuant to subsection (2) shall be indorsed to disclose the nature of the sale. Such bonds, no matter who the holder or owner, shall never be eligible to have any payment made on their account pursuant to subsection (6) of KRS 220.593.

Section 82. KRS 220.591 is amended to read as follows:

(1) The holders in aggregate principal amount of twenty per cent (20%) of any class of construction subdistrict bonds authorized by KRS 220.577 may ex parte move a judge of the circuit court of the county containing the construction subdistrict to appoint a trustee to represent all of the holders of the same class of bonds when the facts described in paragraph (b) of subsection (2) have occurred.

(2) The judge shall appoint a trustee (which may be corporate) upon a showing that:

(a) movants in fact are holders of twenty per cent (20%) or more of the aggregate principal amount of the affected class of the bonds;

(b) movants claim that there has been a default exceeding thirty (30) days in the payment of interest or principal on the bonds, that the district has failed to comply with the provisions of KRS *220.553* [220.551] to 220.613 relating to construction subdistrict bonds, or that the district has breached a contract with the holders of the bonds;

(c) movants have filed in the office of the county court clerk of the county containing the district an instrument in the nature of a notice of action against the district which instrument states that movants have applied to have a trustee appointed pursuant to this section and which names the affected construction subdistrict.

(3) The trustee may, or upon written request of any twenty per cent (20%) in aggregate principal amount of his bondholder beneficiaries shall, file an action in his name against the district; the action shall

seek all remedies, including but not limited to mandamus, prohibition, judgment against a special fund or funds injunction, and declaratory judgment, needed to preserve and enforce the rights of the bondholders. The action shall be filed in the circuit court of the county containing the district.

(4) The rights of bondholders include, but are not limited to, the right to:

(a) require the district to collect from the construction subdistrict rates, rentals, and charges adequate to pay principal and interest on the bonds;

(b) require the district to perform all lawful agreements with the bondholders;

(c) require the district to account to the bondholders as if it were trustee of an express trust for their benefit;

(d) have the district enjoined from doing any acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) have all bonds of the affected class declared due and payable.

(5) Any trustee, whether or not all bonds have been declared due and payable, shall be entitled as of right, upon application to the circuit court, to the appointment of a receiver, who may enter upon and take possession of the construction subdistrict facilities, or any part thereof, and operate and maintain the same, and collect and receive all rentals, rates, other charges and revenues of the construction subdistrict payable after commencement of the receivership. The receiver shall deposit such moneys in a separate account and apply them as the court directs. In any suit, action, or proceeding, by the trustee, the fees, counsel fees, and expenses of the trustee and of the receiver, if any, shall constitute disbursements taxable as cost. All costs and disbursements allowed by the court shall be a first charge on any revenue derived from the construction subdistrict facilities. Such trustee shall, in addition to the foregoing, have and possess all the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

Section 83. KRS 220.595 is amended to read as follows:

The district is granted the same authority relative to the cutting off of the water supply of its delinquent users within a construction subdistrict as is contained in KRS 220.510 relative to other territory under the jurisdiction of the district. Delinquents include persons or users who have failed to make timely payment of any assessment authorized by KRS *220.553* [220.551] to 220.613, or any payment required by KRS 220.591.

Section 84. KRS 220.603 is amended to read as follows:

After the creation of a construction subdistrict under the provisions of KRS *220.553* [220.551] to 220.613, the board of the sanitation district may, if it deems it advisable, use the authority and procedures granted to sanitation districts by KRS 220.535 to 220.537 to annex territory to a subdistrict.

Section 85. KRS 220.605 is amended to read as follows:

A sewage system owned by any municipality, political subdivision, or any other entity, public or private, may be made a construction subdistrict or incorporated into the district area by the board under the conditions of this section.

(1) Any such system may be made a construction subdistrict only when:

(a) express, written consent of all bondholders and secured creditors has been obtained;

(b) the governing body or owner of such district or system has consented in writing; and

(c) the board has determined that the policy of KRS 220.010 to 220.540 will best be served by making such district or system a construction subdistrict.

(2) When such district or system has been made a construction subdistrict under subsection (1), KRS *220.553* [220.551] to 220.575 and KRS 220.583 to 220.587 shall not apply to it.

(3) Any such system may be incorporated by the board into the district areas only when:

(a) all debts of the system have been paid or an amount of either money or securities lawful as investments under KRS 386.020 has been laid aside to pay them by the governing body or owner of such district or system;

(b) the governing body or owner of such system has consented in writing;

(c) the board has determined that the policy of KRS 220.010 to 220.540 will best be served by incorporating such district or system into the district area.

Section 86. KRS 222.031 is amended to read as follows:

(1) The department for human resources is further designated to carry out the planning activities of the Commonwealth in the field of alcoholism and other drug abuse and addiction and to provide assistance to the activities of other state agencies in combating the problems of alcoholism and other drug abuse and addiction, as they may affect those state agency programs or persons under their respective charge and care.

(2) To implement the coordination of state agencies' alcoholism programs, there is hereby established an interagency council on alcoholism which shall be composed of but not restricted to, a representative from each

of the following departments: human resources, justice, education, Labor, and Personnel. The individual of each department named to the council shall designate a representative from his department of the interagency council on alcoholism. The designated representative shall be the staff member charged with alcoholism program responsibility within that department.

(3) A coordinator shall be appointed in the Department for Human Resources to implement the interagency council on alcoholism to conduct ongoing activities of the council to develop coordination and planning between the Department for Human Resources and agencies represented on the interagency council of alcoholism.

(4) To implement the coordination of state agencies' drug programs there is hereby established an interagency council on drug abuse which shall be composed of, but not restricted to, a representative from each of the following departments: Department for Human Resources, Justice, Education, Labor, and Personnel. The *individual* [Commissioner] of each department named to the council shall designate a representative from his department to the interagency council on drug abuse. The designated representative shall be the staff member charged with drug abuse program responsibility within that department.

(5) A coordinator shall be appointed in the Department for Human Resources to implement the interagency council on drug abuse to conduct ongoing activities of the council to develop coordination and planning between the Department for Human Resources and the agencies represented on the interagency council of drug abuse.

(6) The provisions of this section and KRS 222.020 and 222.035 shall be in addition to any present statutory responsibility given to state departments.

Section 87. KRS 224.020 is amended to read as follows:

(1) It is hereby declared to be the policy of this Commonwealth to conserve the waters of the Commonwealth for public water supplies, for the propagation of fish and aquatic life, for fowl, animal wild life and arborous growth, and for agricultural, industrial, recreational and other legitimate uses; to provide a comprehensive program in the public interest for the prevention, abatement and control of pollution; to provide effective means for the execution and enforcement of such program; and to provide for cooperation with agencies of other states or of the federal government in carrying out these objectives.

(2) *The following are among the purposes of KRS Chapter 224:* [It is the purpose of KRS 224.010 to 224.060, 224.080 and 224.100] to safeguard from pollution the uncontaminated waters of the Commonwealth; to prevent the creation of any new pollution of the waters of the Commonwealth; and to abate any existing pollution.

Section 88. KRS 224.110 is amended to read as follows:

Where the injury, death, or destruction of fish or other wildlife results from pollution as defined in KRS 224.005 or from any violation of the orders, rules, regulations, or other determinations of the department, the person responsible therefor shall be liable to the Commonwealth in an amount reasonably necessary to restock or replenish such fish or wildlife. The Commonwealth shall, in addition to the penalties provided for in KRS *224.994* [224.993], be empowered to seek the recovery of such damages in any court of competent jurisdiction in this Commonwealth in the event the person responsible fails or refuses to pay for the restocking or replenishing of such fish or wildlife in the water or area affected.

Section 89. KRS 224.225 is amended to read as follows:

Nothing in KRS *224.223* [224.220] to 224.237 shall be construed to require a business license for:

(1) A property owner to clean his own septic tank, seepage pit or cesspool.

(2) A municipality servicing and maintaining a public sewage treatment facility.

(3) A plumber, duly qualified and licensed under the laws of the state of Kentucky, except that vehicles which are used as defined in KRS 224.220 to 224.237 shall be licensed as provided.

Section 90. KRS 227.275 is amended to read as follows:

(1) The commissioner, bureau of state police, may designate officers and employes of the *bureau of state police* [division of fire prevention] to investigate and enforce the provisions against arson and arson related offenses occurring within the state and such officers when duly authorized by the commissioner, bureau of state police, shall have the general powers of a peace officer for the enforcement of other offenses against the Commonwealth.

(2) Each arson investigator so appointed shall, before entering upon the discharge of his various duties, take an oath before a person authorized to administer oaths to faithfully discharge his duties, and the oath shall be subscribed by the person taking it and filed in the records of the department.

(3) Each of said persons shall give such bond as the commissioner, bureau of state police, may designate and with such surety as required by the commissioner, bureau of state police, conditioned upon faithful performance of his duties.

Section 91. KRS 227.290 is amended to read as follows:

If, after an investigation or examination, the commissioner, *bureau of state police,* believes that the evidence concerning a fire indicates that a crime has been committed he shall furnish all data of an evidentiary nature in his possession to the county attorney of the county in which the fire took place, or the Commonwealth's attorney in that district, and request that such attorney institute such criminal proceeding as the evidence warrants.

Section 92. KRS 227.480 is amended to read as follows:

(1) A city or county may require any person to obtain permits before commencing construction, alteration or repairs of any electrical wiring, and require such inspection as it deems necessary for the safety of life and property.

(2) Reasonable standards for the construction, alteration and repair of any electrical wiring shall be adopted by the city or the county and shall have as a minimum standard the requirements of the national *electrical* [electric] code which is incorporated into the state standards of safety. The standards so adopted by the city or the county shall be used by the electrical inspector in making his inspections.

Section 93. KRS 227.489 is amended to read as follows:

The public service commission shall require electrical inspectors to be certified. Examinations shall be based on the national electrical code incorporated in article I of the standards of safety prescribed by the public service commission. Electrical inspectors who have been engaged in the inspection of electrical light and power wiring installations, based on the requirements of the national electrical code, for a period of three (3) years, may be certified on the basis of knowledge of this subject and experience [except that in counties containing a city of the first class, electrical inspectors need only to have three (3) years experience to be certified on the basis of knowledge and experience].

Section 94. KRS 227.500 is amended to read as follows:

A city or county may fix *as* a penalty for the violation of any ordinance or resolution passed under the provisions of KRS 227.200 to 227.500, a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100), or imprisonment for not more than fifty (50) days, or both.

Section 95. KRS 230.690 is amended to read as follows:

(1) Any person desiring to conduct standardbred horse racing within the Commonwealth of Kentucky during any calendar year shall first apply to the commission for a license to do so. The application shall be filed at the commission's general office on or before a day fixed by the commission. The application shall specify the location of the track and the days on which racing is desired to be conducted or held and shall be in the form and contain such other information and data as the commission may, by rule, require.

(2) The commission shall as soon as practicable, but in no event later than February 1 in any calendar year award dates for racing in the Commonwealth during the year. In the event scheduled racing is cancelled by reason of flood, fire, inclement weather, or other causes the commission may award after February 1 additional racing dates to make up for those dates cancelled by such flood, fire, inclement weather, or other causes. The commission may issue such license to conduct a standardbred horse race meeting to any association making the aforesaid application if the commission finds that the proposed conduct of racing by such association would be in the best interest of the public health, safety, and welfare of the immediate community as well as to the Commonwealth, and if by reason of financial stability, track location, traffic flow, facilities for the public, facilities for racing participants and horses, character and reputation for honesty of all persons identified with the association, competence of proposed racing officials and association employes, absence of conflict with other race meetings in time and patronage area, sentiment of the community in which such association proposes to conduct a race meeting, and capability to comply with the rules and rulings of the commission, the licensing of such association would serve to nurture, promote, develop, or improve the standardbred industry in the Commonwealth. As a condition precedent to the issuance of such license, the commission may require a surety bond or other surety conditioned upon the payment of all taxes due the Commonwealth, together with the payment of operating expenses including, but not limited to, purses and awards to owners of horses participating in races.

(3) Every license issued under this section shall specify among other things the name of the person to whom issued, the address and location of the track where the *standardbred* [standard] race meeting to which it relates is to be held or conducted, and the days and hours of the day when the meeting will be permitted.

(4) A license issued under this section is neither transferable nor assignable and shall not permit the conduct of a standarbred horse race meeting at any track not specified therein. However, if the track specified becomes unsuitable for standardbred horse racing because of flood, fire or other catastrophe or other causes, the commission may, upon application, authorize the meeting, or any remaining portion thereof, to be

conducted at any other suitable track available for that purpose, provided that the owner of such track willingly consents to the use thereof.

(5) The commission may at any time require the removal of any official or employe of any association in those instances where it has reason to believe that the official or employe has been guilty of any dishonest practice in connection with standardbred horse racing or has failed to comply with any condition of his license or has violated any law or any rule or regulation of this commission.

(6) The fee for a license issued under this section shall be in such amount as prescribed by the commission.

(7) Every standardbred horse race not licensed under this section is hereby declared to be a pubic nuisance and the commission may obtain an injunction against the same in the circuit court of the county where the unlicensed race is proposed to take place.

Section 96. KRS 235.120 is amended to read as follows:

The owner of any motorboat already covered by a number in full force and effect which has been awarded to it by the then operative federal law or a federally approved number system of another state shall record the number prior to operating the motorboat on the waters of this state in excess of the *sixty (60)* [ninety (90)] day reciprocity period provided for in KRS 235.210, the fee for such recordation being the same as for an original registration as provided for in KRS 235.080. Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under KRS 235.050 to 235.070, except that no additional or substitute number shall be issued.

Section 97. KRS 235.260 is amended to read as follows:

All required accident reports and supplemental reports shall be without prejudice to the individual making them, and shall be for the confidential use of the division *of water enforcement*, except that the division may disclose the identity of a person involved in an accident when his identity is not otherwise known or when he denies his presence at an accident. No such report shall be used in evidence in any trial arising out of an accident, but the division shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the division, solely in order to prove compliance or noncompliance with the requirements of KRS 235.250 that such a report be made.

Section 98. KRS 236.110 is amended to read as follows:

(1) On and after July 1, 1962, each boiler used or proposed to be used within this state, except boilers exempt under KRS 236.060, shall be throughly inspected as to their construction, installation and condition as follows:

(a) Power boilers, meaning boilers operating at steam or vapor pressures in excess of fifteen (15) pounds per square inch gauge, shall be inspected annually both internally and externally while not under pressure and shall also be inspected annually externally while under pressure if possible.

(b) Low pressure steam or vapor heating boilers, hot water heating boilers and hot water supply boilers shall be inspected both internally and externally biennially where construction will permit.

(c) A grace period of two (2) months beyond the periods specified in paragraphs (a) and (b) of this subsection may elapse between inspections.

(d) The department may at its discretion permit longer periods between inspections.

(e) Upon June 18, 1970, or on and after July 1, 1970, any new boiler installation to be used within this state, excepting boilers exempted under KRS 236.060, shall be inspected during the installation period to ascertain that all pressure piping conforms to the requirements of KRS 236.040. An inspection certificate (or operating certificate) may not be issued on any new installation until these requirements are fulfilled.

(f) It shall be the responsibility of the installing contractor to request the above inspection by notifying the [bureau of] boiler inspection *section of the department* that the installation is ready for such inspection. This must be accomplished prior to covering of any welded or mechanical joints on pressure piping or valves by insulation, paint or structural materials. The contractor shall provide ready access for the inspector to all parts of the piping system.

(g) Inspection of pressure piping applies only to new installations or reinstallations or installation of secondhand boilers (as defined under "Boiler Rules and Regulation") installed or reinstalled after July 1, 1970. No annual or biennial reinspection is required once the system has been approved.

(h) "Existing installations," as applied to inspection of piping systems is defined as any boiler and piping system completed and approved for operation prior to July 1, 1970. Such existing installations will not be subject to the foregoing piping inspection unless adjudged patently unsafe for operation by an inspector holding a commission issued by the national board of boiler and pressure vessel inspectors. If an existing installation is so adjudged the owner will be granted full rights of appeal as set forth under KRS 236.150.

(i) At such time as an existing installation undergoes extensive overhaul or more than fifty (50) linear feet of pressure piping requires renewal or is added to the existing system, the entire system of piping carrying pressure emanating from the boilers shall be subject to inspection and will be brought up to standards required by KRS 236.040.

(j) The installing contractor of a piping system carrying pressure emanating from a boiler subject to inspection under provisions of KRS 236.050 to 236.150, shall pay to the department, upon completion of inspection, fees in accordance with a schedule set up by the board and approved by the commissioner.

(k) Operation of a pressure piping system in conjunction with a boiler, either of which has not been inspected and approved as set forth above, shall be subject to fines and penalties as set forth in KRS 236.990.

(2) The inspections required in this section shall be made by a boiler inspector or by a special boiler inspector provided for in this chapter.

(3) If at any time a hydrostatic test shall be deemed necessary, same shall be made, at the discretion of the inspector, by the owner or user thereof.

(4) All boilers to be installed in this state after July 1, 1970, shall be inspected during construction as required by the applicable rules and regulations of the department by a boiler inspector authorized to inspect boilers in this state, or, if constructed outside of the state, by an inspector holding a certificate of competency as an inspector of boilers for a state that has a standard of examination substantially equal to that of this state as provided in KRS 236.090.

Section 99. KRS 243.070 is amended to read as follows:

The city legislative body of any city in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only such licenses may be issued as correspond, in their provisions and the business authorized, to the licenses provided for in subsections (1), (2), (3), [(5),] (6), (7), *(8)* [(15)], (16), [and] (17) *and (18)* of KRS 243.030 and subsections (1), (2), (3) and (6) of KRS 243.040. The fees imposed shall not exceed twice the amount of the fees imposed in KRS 243.030 and 243.040 for such licenses, except that the fee for a Sunday distilled spirits and wine retail drink license shall not exceed three hundred dollars ($300), the fee for a malt beverage retailer's license may be fixed at not exceeding two hundred dollars ($200), the fee for a brewer's license shall not exceed five hundred dollars ($500), and the fee for a distiller's license shall not exceed five hundred dollars ($500).

Section 100. KRS 273.363 is amended to read as follows:

The provisions of KRS *271A.565 and 271A.585* [271.610] shall apply to foreign corporations.

Section 101. KRS 281.726 is amended to read as follows:

(1) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof has obtained a certificate of the department of transportation to the effect that the driver or chauffeur has met its requirements with respect to his health, vision, sobriety, intelligence, care, ability and experience. Certificates shall expire in the same month as the expiration date of the applicant's operator's license issued pursuant to KRS 186.410.

(2) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof is at least eighteen (18) years of age.

(3) The circuit clerk of each county shall:

(a) Act for the department of transportation for the purpose of issuing certificates [and badges] referred to in subsections (1) and (4) of this section;

(b) Issue a certificate, when he has determined that the applicant has fully complied with the law governing applications;

(c) Report to the department of transportation not later than the week following that in which the certificates were issued;

(d) Keep adequate records of all moneys collected and remitted to the department of revenue;

(e) Keep in his office at all times available to the department of transportation a record of all certificates issued in his county.

(4) The cost of the certificate shall be as follows: if the applicant's operator's license expires within six (6) months or less, $1.00; if within seven (7) to twelve (12) months, $2.00; if within thirteen (13) to eighteen (18) months, $3.00; and if within nineteen (19) to twenty-four (24) months, $4.00. These costs shall be paid into the state treasury and credited to the state road fund. The holder of such a certificate, at all times when operating a motor vehicle for hire, shall have the certificate in his possession indicating that he is a certified driver or chauffeur.

(5) The department may, for good cause, upon complaint or upon its own motion revoke or suspend any such certificate, and said person shall be entitled to a hearing before the department of transportation.

Section 102. KRS 362.095 is amended to read as follows:

(1) A foreign limited partnership may be authorized to do business in this state when, and only when, it has:

(a) Filed a certified copy of its articles of partnership and all existing amendments in the office of the Secretary of State, which may omit signature pages other than those signed by a general partner. It shall thereafter file a certified copy of subsequent amendments to its articles in the office of the Secretary of State, provided that no amendment indicating merely a change in limited partners need be filed. A limited partnership shall pay to the Secretary of State an original filing fee of twenty-five dollars and a recording fee of ten dollars for recording the articles of partnership and accompanying amendments, and shall pay the same recording fee for recording subsequent amendments; and

(b) Designating a process agent, which shall have the same legal effect and be subject to the same requirements as a process agent for a foreign corporation under KRS *271A.555* [271.385].

(2) A limited partnership registering to do business in this state under subsection (1) of this section shall not be required to list the names of each limited partner.

Section 103. KRS 304.13-230 is amended to read as follows:

(1) Every rating organization and every insurer which makes its own rates shall, *within* [with] a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

(2) Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty (30) days after it is made, the applicant may proceed in the same manner as if his application has been rejected. Any *party* [part] affected by the action of such rating organization or such insurer on such request may, within thirty (30) days after written notice of such action, appeal to the commissioner, who, after a hearing held upon not less than ten (10) days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

Section 104. KRS 304.39-070 is amended to read as follows:

(1) "Secured person" means the owner, operator or occupant of a secured motor vehicle, and any other person or organization legally responsible for the acts or omissions of such owner, operator or occupant.

(2) A reparation obligor which has paid or may become obligated to pay basic reparation benefits shall be subrogated to the extent of its obligations to all of the rights of the person suffering the injury against any person or organization other than a secured person.

(3) A reparation obligor shall have the right to recover basic reparation benefits paid to or for the benefit of a person suffering the injury from the reparation obligor of a secured person as provided in this subsection. The reparation obligor shall elect to assert its claim (i) by joining as a party in an action that may be commenced by the person suffering the injury, or (ii) to reimbursement, pursuant to KRS 304.39-300, sixty (60) days after said claim has been presented to the reparation obligor of secured persons. The right to recover basic reparation benefits paid under (ii) shall be limited to those instances established as applicable by the Kentucky Insurance Arbitration Association as provided in KRS *304.39-290* [304.39-300].

Section 105. KRS 304.20-020 is amended to read as follows:

(1) No automobile liability or motor vehicle liability policy of insurance insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in *KRS 304.39110* [subsection (3) of KRS 187.330] under provisions approved by the commissioner, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; Provided That the named insured shall have the right to reject in writing such coverage; and Provided further That, unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer.

(2) For the purpose of this coverage the term "uninsured motor vehicle" shall, subject to the terms and conditions of such coverage, be deemed to include an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein

because of insolvency; an insured motor vehicle with respect to which the amounts provided, under the bodily injury liability bond or insurance policy applicable at the time of the accident with respect to any person or organization legally responsible for the use of such motor vehicle, are less than the limits described in *KRS 304.39-110* [subsection (3) of KRS 187.330]; and an insured motor vehicle to the extent that the amounts provided in the liability coverage applicable at the time of the accident is denied by the insurer writing the same.

(3) Protection against an insurer's insolvency shall be applicable only to accidents occurring during a policy period in which its insured's uninsured motorist coverage is in effect where the liability insurer of the tortfeasor becomes insolvent within one (1) year after such an accident. Nothing herein contained shall be construed to prevent any insurer from affording insolvency protection under terms and conditions more favorable to its insureds than is provided hereunder.

(4) In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment shall, to the extent thereof, be entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of such person against any person or organization legally responsible for the bodily injury for which such payment is made, including the proceeds recoverable from the assets of the insolvent insurer.

Section 106. KRS 318.110 is amended to read as follows:

A company or individual principal may engage in the business of plumbing within *any* [a] county *of the Commonwealth* [containing a city of the first, second, third, or fourth class] if some person connected with such a company or individual principal in responsible charge of the plumbing work is a licensed master plumber. Any master plumber, in responsible charge of plumbing work for a company or individual engaged in the plumbing business, shall notify the department at any time he commences or severs his connection with the company or individual principal.

Section 107. KRS 325.350 is amended to read as follows:

(1) After notice and hearing as provided in KRS 325.360 the board shall revoke the registration and permit to practice of a partnership or corportion if at any time it does not have all the qualifications prescribed by the section of KRS 325.220 to 325.440 under which it qualified for registration.

(2) After notice and hearing as provided in KRS 325.360 the board may revoke or suspend the registration or may revoke, suspend or refuse to renew the permit to practice of a partnership or corporation or may censure the holder of any such permit for any of the causes enumerated in KRS 325.340, and for the following additional causes:

(a) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner or shareholder.

(b) The cancellation, revocation, suspension or refusal to renew the authority of the partnership or corporation or any partner or shareholder thereof to practice public accounting in any other state [or corporation].

Section 108. KRS 333.040 is amended to read as follows:

This chapter applies to all medical laboratories within the state of Kentucky, except:

(1) Medical laboratories operated by the United States government;

(2) Medical laboratories operated by a licensed physician, or a group of licensed physicians, solely and exclusively in connection with the diagnosis and treatment of their own patients. If any referred work is received or performed by such medical laboratories, all provisions of this chapter shall apply;

(3) Medical laboratories operated by hospitals licensed by the secretary for human resources;

(4) [(3)] Medical laboratories operated and maintained exclusively for research purposes, involving no patient or public health service whatsoever.

Section 109. KRS 334A.050 is amended to read as follows:

To be eligible for licensure by the board as a speech pathologist or audiologist, the applicant must:

(1) Be of good moral character; and

(2) Be a citizen of the United States or have declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make application, shall be sufficient proof of compliance with this *subsection* [subdivision]; and

(3) Possess at least a master's degree in the area of speech pathology or audiology; and

(4) Submit transcripts from an educational institution approved by the board evidencing the successful completion of at least 60 semester hours of courses related to the normal development, function and use of speech, hearing and language; and courses that provide information about, and training in, the management of speech, hearing, and language disorders including the legal, professional, and ethical practices of speech pathology and audiology; and

(5) Submit evidence of the completion of a minimum of 275 clock hours of supervised, direct, clinical experience with individuals presenting a variety of disorders of communication, the experience being obtained within the training institution or in one of its cooperating programs; and

(6) Present written evidence from a licensed and/or certified speech pathologist or audiologist supervisor of nine months of full-time professional employment pertinent to the license being sought. This experience must follow the completion of the requirements listed in subsections (3), (4) and (5). Full-time is defined as at least nine months in a calendar year and a minimum of thirty hours per week or part-time equivalent over an 18 month period; and

(7) Pass an examination approved by the board. The board shall determine the subject and scope of the examinations. Written examinations may be supplemented by such oral examinations as the board shall determine. An applicant who fails his examination may be reexamined at a subsequent examination upon payment of another licensing fee.

Section 110. KRS 268.360 is amended to read as follows:

(1) As soon as the drainage assessment record is completed, the board shall deliver the copies to and file them with the clerk of the county court in which county the district is organized. The clerk shall receive them, and, beginning within five (5) days, publish notice of such filing pursuant to KRS chapter 424. The notice shall be in substantially the following form:

"State of Kentucky, ... court.

"County of .....

"In the matter of the .... (drainage), (levee), (reclamation) district. Notice is hereby given to all persons interested that the board of drainage commissioners of .... County did on the .... day of ...., 19.., file in my office .... copies of the drainage assessment record for the above district in which they show the aggregate costs of the improvements to be made according to the plan for reclamation, also the aggregate of all benefits to property and the minimum district assessment and the apportionment thereof to each piece of property, together with the total of such assessments which are to be paid for each separate piece of property.

"All persons interested are hereby notified that they may inspect this record at any time, and are given until .... to file written objections to these final assessments.

"Unless you file objections thereto by that date, it will be taken for granted that the assessments are correct, and correctly apportioned to each separate piece of property, and they will be confirmed, and become the fixed assessments upon each piece of property.

"Given under my hand as clerk of the .... county court, on this the .... day of ...., 19...

.... Clerk."

(2) If objections are filed, they shall be determined by the judge in a summary way. If errors are found, they shall be by proper orders corrected. The order of the *county* judge*/executive* shall direct the clerk to show such corrections on all the copies of the assessment record in red ink. When all errors in the assessment are ordered corrected by the *county* judge*/executive*, he shall approve the assessment record.

(3) The final order of approval and confirmation by the *county* judge*/executive* shall be final and conclusive upon all property within the district. The assessment record, when corrected by the clerk under orders of the *county* judge*/executive*, shall be indorsed by the *county* judge*/executive* as the assessment record of the district, and thereafter no question may be raised concerning the correctness of any assessment shown in the record.

(4) One (1) of the several copies of the assessment record, properly corrected and indorsed by the *county* judge*/executive*, shall remain in the office of the clerk of the county court. The remaining copies shall be certified and delivered by the clerk to the secretary of the board of the county in which the district was organized.

Section 111. KRS 383.230 is amended to read as follows:

The court may issue subpoenas for witnesses at the request of either party, and their attendance and testifying may be coerced by the court *which conducts* [who presides at] the inquest.

Section 112. KRS 383.260 is amended to read as follows:

Upon this *deposit* [bond], if the appellant fails to prosecute his appeal, he and his surety shall be liable for the damages for withholding the possession which the appellee may be entitled to recover against the appellant, during the pendency of the appeal, either in the circuit court or Court of Appeals, as well as the reasonable expenses of the appellee in defending the appeal.

Section 113. KRS 385.041 is amended to read as follows:

(1) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(2) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen (14) years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of *eighteen (18)* [twenty-one (21)] years or, if the minor dies before attaining the age of *eighteen (18)* [twenty-one (21)] years, he shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in KRS 385.011 to 385.101.

(6) The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for (Name of minor) under the Kentucky Uniform Gifts to Minors Act." The custodian shall hold all money which is custodial property in an account with a broker or in an insured financial institution in the name of the custodian, followed, in substance, by the words: "as custodian for (Name of minor) under the Kentucky Uniform Gifts to Minors Act." The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen (14) years.

(9) A custodian has with respect to the custodial property, in addition to the rights and powers provided in KRS 385.011 to 385.101, rights and powers which a guardian has with respect to property not held as custodial property.

(10) If the subject of the gift is a life insurance policy or annuity contract, the custodian:

(a) has, in his capacity as custodian, all the incidents of ownership, in the policy or contract to the extent as if he were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom he is acting; and

(b) may pay premiums on the policy or contract out of the custodial property.

Section 114. KRS 385.071 is amended to read as follows:

(1) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A custodian may designate his successor by executing and dating an instrument of designation before a subscribing witness other than the successor; the instrument of designation may but need not contain the resignation of the custodian. If the custodian does not so designate his successor before he dies or becomes legally incapacitated and the minor has attained the age of fourteen (14) years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by KRS 385.011 to 385.101.

(2) The designation of a successor custodian as provided in subsection (1) takes effect as to each item of the custodian property when the custodian resigns, dies or becomes legally incapacitated and the custodian or his legal representative:

(a) causes the item, if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with the issuing insurance company in the case of a life insurance policy or annuity contract, in the name of the successor custodian, followed, in substance, by the words: "as custodian for ---------- (Name of minor) under the Kentucky Gifts to Minors Act"; and

(b) delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof to the successor custodian.

(3) A custodian who executes an instrument of designation of his successor containing the custodian's resignation as provided in subsection (1) shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in the instrument. The legal representative of a custodian who dies or becomes legally incapacitated shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in an instrument of designation executed as provided in subsection (1) by the custodian or, if none, by the minor if he has no guardian and has attained the age of fourteen (14) years, or in the possession and control of the guardian of the minor if he has a guardian. If the custodian has executed as provided in subsection (1) more than one instrument of designation, his legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

(4) If a person designated as custodian or as successor custodian as provided in subsection (1) is not eligible, dies or becomes legally incapacitated before the minor attains the age of *eighteen (18)* [twenty-one (21)] years and if the minor has a guardian, the guardian of the minor shall be successor custodian. If the minor has no guardian and if no successor custodian who is eligible and has not died or become legally incapacitated has been designated as provided in subsection (1), a donor, his legal representative, the legal representative of the custodian or an adult member of the minor's family may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, a successor custodian, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen (14) years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(6) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Section 115. KRS 394.260 is amended to read as follows:

When the proceeding is taken to the circuit court, all necessary parties shall be brought before the court by the plaintiff. The final decision given shall, subject to appeal to the Court of Appeals, be a bar to any other proceeding to call the probate or rejection of the will in question. This section does not preclude a court of *justice* [equity] from its jurisdiction to impeach such final decision for any reason that would give it jurisdiction over any other judgment at law.

Section116. KRS 395.650 is amended to read as follows:

Where fiduciaries appointed in the district court are required to make settlement in the circuit court, the circuit clerk shall make and file in the office of the [clerk of the] district court a certificate of each approved settlement, showing the number and style of the case, the number of the file box in which the suit may be found in the circuit clerk's office, before whom made, when approved by the court and whether it is a final or partial settlement. The [clerk of the district court shall record the] certificate with the record of settlement *shall be recorded in the office of the district court* [in his office].

Section 117. KRS 416.670 is amended to read as follows:

(1) Development shall be started on any property which has been acquired through condemnation within a period of eight (8) years from the date of the deed to the condemnor or the date on which the condemnor took possession, whichever is earlier, for the purpose for which it was condemned. The failure of the condemnor to so begin development shall entitle the condemnee landowner to repurchase the property at the price the condemnor paid to the landowner for the property. The person from whom the land is taken by condemnation may reacquire the land as aforementioned by application to a court of competent jurisdiction, if such procedure is necessary and may recover his costs and reasonable attorneys' fees necessary to reacquire the land. [Property acquired for purposes of industrial development pursuant to KRS Chapter 152 is exempt from this section.]

(2) If development of the property is not started within a period of eight years pursuant to the provisions of this section, the condemnor may apply to a court of competent jurisdiction to extend the period of time before which the condemnee landowner shall be entitled to reacquire the property condemned. The court shall determine as a matter of law whether to grant such extension and the period of time for which the extension shall be granted. Provided, however, that this section shall not apply to condemnations by the department of transportation *and property acquired for purposes of industrial development pursuant to KRS Chapter 152.*

Section 118. KRS 431.530 is amended to read as follows:

(1) Any person who has been permitted to execute a bail bond in accordance with KRS *431.520* [413.520](3)(b)shall deposit with the clerk of the court before which the action is pending, a sum of money equal to 10% of the bail, but in no event shall such deposit be less than $10.

(2) Upon depositing said sum the defendant shall be released from custody subject to all conditions of release imposed by the court.

(3) If the conditions of release have been performed and the defendant has been discharged from all obligations in the action the clerk of the court shall return to the defendant, unless the court orders otherwise, 90% of the sum deposited and shall retain as bail costs 10% of the amount deposited; provided, however, in no event shall the amount retained by the clerk as bail costs be less than $5. It is further provided that the court shall order the clerk of court to pay into the public defender special account any amount of the sum deposited by the defendant, in excess of bail costs, which in its sound discretion represents a reasonable fee for any public defender legal or investigative services provided for the defendant under KRS Chapter 31, but in no event shall the amount so paid to the public defender special account as public defender legal and investigative fees be less than $5 per case. At the request of the defendant the court may order the amount repayable to defendant from such deposit to be paid to defendant's attorney of record.

(4) If a final judgment for a fine and court costs or either is entered in the prosecution of an action in which a deposit has been made in accordance with subsection (1) of this section, the balance of such deposit, after deduction of bail costs and public defender fees as provided for in subsection (3) of this section, shall be applied to the satisfaction of the judgment.

Section 119. KRS 436.023 is amended to read as follows:

(1) No abortion shall be performed on any woman without the passing of at least a twenty-four (24)-hour period between the filing of the written consent, by the required consenting parties, and the actual performance of the abortion unless an emergency situation presents imminent peril substantially endangering the life of the woman.

(2) Any person violating subsection (1) of this section shall be imprisoned in the county jail not to exceed one (1) year or *be fined* [a fine] not to exceed one thousand dollars ($1,000), or both.

Section 120. KRS 171.420 is amended to read as follows:

The state archives and records commission, is hereby created and shall be a fifteen (15) member body constituted as follows: The state librarian, who shall be the chairman of the commission, secretary of the cabinet for education and arts, the auditor of public accounts, the chief justice of the Court of Appeals, the director of the legislative research commission, the attorney general, the director of the office for policy and management, one (1) member appointed by the governor from a list of three (3) persons submitted by the president of the University of Kentucky, one (1) member appointed by the governor from a list of three (3) persons submitted by the president of the Kentucky historical society, one (1) member appointed by the governor from a list of three (3) persons submitted by the president of the Kentucky library association, one (1) member appointed by the governor from a list of seven (7) persons with one (1) name submitted by each of the presidents of the state universities and colleges, and four (4) citizens-at-large. Vacancies shall be filled by the governor in the same manner as initial appointments are made. All members shall serve for a term of four (4) years, provided that one (1) of the initial appointments shall be for a term of four (4) years, one (1) for three (3) years, one (1) for two (2) years and one (1) for one (1) year. The commission shall advise the [executive] department *of library and archives* [for finance and administration] on matters relating to archives and records, and questions on destruction of records as set out in KRS 171.670.

Section 121. KRS 2.010 is amended to read as follows:

When any citizen of this state, by deed in writing, in the presence of, and subscribed by, two (2) witnesses, and acknowledged or proved *before the county judge/executive* [in the county court] of the county in which he resides, or by open declaration made in such court and entered of record, shall declare that he relinquishes the character of a citizen of this state, and shall depart out of this state with the intention, in good faith, to remain absent therefrom, he shall, from the time of his departure, be considered as having exercised his right of expatriation, so far as regards this state, and shall not thenceforth be deemed a citizen thereof. When any citizen of this state shall reside elsewhere, and in good faith become a citizen of any other state, he shall not, while the citizen of the other state, be deemed a citizen of this state. No act of any citizen under this section shall have any effect if done while the United States is at war with a foreign power.

Section 122. KRS 24A.120 is amended to read as follows:

District court shall have exclusive jurisdiction in:

(1) Civil cases in which the amount in controversy does not exceed one thousand five hundred dollars

($1,500), exclusive of interest and costs except matters affecting title to real estate and matters of equity; and

(2) Matters involving probate, except matters contested in an adversary proceeding. Such adversary proceeding shall be filed in circuit court in accordance with the Kentucky Rules of Civil Procedure and shall not be considered an appeal.

(3) Papers relating to uncontested probate matters shall be filed in the office of the county [court] clerk. In the event a probate matter is contested, the Supreme Court shall by rule provide for filing duplicate papers in circuit and county clerk's offices.

Section 123. KRS 44.020 is amended to read as follows:

(1) Within three (3) working days after the first and fifteenth of each month the clerk of any court of the Court of Justice [and the county court clerk] shall make out and certify an alphabetical list of all claims payable out of the state treasury that have been allowed by the court, and transmit the list to the executive department for finance and administration, and no warrant for any claims requiring the approval of a court shall be issued until the list has been received by the executive department for finance and administration. The alphabetical list of claims shall serve as a certified copy of orders of allowance by the court for each and every claim listed thereon, and notwithstanding any statutory provision to the contrary, a copy of the order of allowance shall not be required for any claim listed thereon before payment may be made unless deemed necessary by the executive department for finance and administration. The executive department for finance and administration shall keep a separate record of all claims allowed in each county, noting the number and amount of each warrant issued for the payment of such claims.

(2) The order of any court authorized by law to approve and allow fee-bills, settlements, credits, charges and other claims against the state treasury shall not be treated as a judgment, or made conclusive against the state, but shall only be regarded as prima facie evidence of the correctness and legality of the fee-bill, settlement, credit, charge or claim. The executive department for finance and administration, if it believes such fee-bill, settlement, credit, charge or claim to be fraudulent, erroneous or illegal, may, upon the advice of the attorney general, refuse to pay and may contest the claim in the Franklin Circuit Court, which shall have exclusive jurisdiction of all actions against the executive department for finance and administration to compel the payment of claims against the state treasury.

Section 124. KRS 56.060 is amended to read as follows:

All deeds and judgments conveying to or vesting in the state any land or interest in land shall be recorded in the office of the county clerk of the county where the land or the greater part of it lies. The county clerk shall indorse on the deed the deed book and page number and county where he has recorded it, as follows: "Recorded in Deed Book ...., Page ...., ... County [Court] Clerk's Office." He shall then immediately transmit the deed and his certificate of record to the secretary of state.

Section 125. KRS 56.210 is amended to read as follows:

Any person who wishes to appropriate any vacant and unappropriated land may, by applying to the county *judge/executive* [court] of the county in which the land lies, and paying therefor a price fixed by the *fiscal* court at not less than five dollars ($5.00) per hundred acres, obtain an order authorizing him to enter and survey any number of acres of such land in the county, not to exceed two hundred (200). The party obtaining the order may, by an entry in the surveyor's book of the county, describing the land, appropriate the quantity of land it calls for in one or more parcels; but no one (1) person shall enter, survey or cause to be patented more than two hundred (200) acres of land in any one (1) county. The proceeds of the sale shall be paid into the county treasury.

Section 126. KRS 56.220 is amended to read as follows:

All that portion of the bed of the Ohio River, lying north of the thread of the stream, except accretions to islands privately owned, is declared to be vacant and unappropriated land, and the county *judge/executive* [court] of each county bordering on the Ohio River may use or lease the river bed for county purposes, upon such terms and conditions as to it seem beneficial to the county. Any contract of leasing made by any such county *judge/executive* [court] of such river bed for any sand and gravel rights for or on behalf of the county, conveys full right and title to the lessee to the exclusive use of all sand and gravel deposits in the river bed to the extent embraced in the lease.

Section 127. KRS 61.110 is amended to read as follows:

State officers who are required, in the discharge of their duties, to remain at the state capital more than three (3) months in each year, may, with their families, temporarily reside at the state capital for any space of time during the term for which they were elected or appointed, without changing or losing their legal and permanent residence in the district and precinct in which they resided at the time of their temporary removal. Such officers and their families shall for all purposes be regarded as residents of the precinct and district from which they removed. In all cases it shall be necessary for the officer so intending to temporarily remove to file and cause to be recorded, in the clerk's office of the county *judge/executive* [court] of the county of his residence and in the clerk's office of the county *judge/executive* [court] of Franklin County, a statement of such intention.

Section 128. KRS 63.220 is amended to read as follows:

(1) A vacancy in the office of sheriff, coroner, surveyor, county clerk, county attorney, jailer, constable or property valuation administrator, shall be filled by the county *judge/executive* [court].

(2) Appointments to fill vacancies under this section shall be until the successor is elected, as provided in section 152 of the constitution, and qualified.

Section 129. KRS 64.015 is amended to read as follows:

(1) County [court] clerks shall be paid out of the state road fund the fees provided for in KRS 64.010, for taking acknowledgments, certifying, and recording deeds conveying right of way to be used in the state road system.

(2) County [court] clerks shall be paid by the fiscal court the fees provided for in KRS 64.010, for taking acknowledgments, certifying and recording deeds conveying right of way to be used in the county road system.

Section 130. KRS 64.528 is amended to read as follows:

In order to equate the current rate of compensation of Commonwealth's attorneys, county [court] clerks, county judges, county attorneys, sheriffs, jailers, justices of the peace, and commissioners with the present value and purchasing power of the dollar, the court required by law to fix the compensation of the officials named in this section may, on or before September 1, 1974, adjust said officials' compensation within the limits set forth in Acts 1974, chapter 254 and may provide that said officials be entitled to the maximum amount of compensation for the entire 1974 calendar year.

Section 131. KRS 64.530 is amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, the fiscal court of each county shall fix the compensation of every county officer and employe except the officers named in KRS 64.535.

(2) For the purposes of this section, justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employes, but employes of county boards or commissions which are now authorized by law to fix the compensation of their employes shall not be deemed to be county employes for the purposes of this section.

(3) In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the maximum compensation that any officer except the officers named in KRS 64.535 may receive, from both sources. The fiscal court may also fix the number of deputies and assistants, and, the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office.

(4) In the case of county officers elected by popular vote except the county attorney, the monthly compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court not later than the first Monday in May in the year in which the officers are elected, and the compensation of the officer shall not be changed during the term but the compensation of his deputies or assistants may be reviewed and adjusted by the fiscal court not later than the first Monday in May of any successive year upon the written request of the officer. On or before August 1, 1966, the fiscal court shall fix the salary provided herein for the county attorneys for the term commencing in January, 1966, notwithstanding any other provisions of this section which may be inconsistent herewith.

(5) Nothing in this section shall apply to property valuation administrators or their deputies, assistants and expenses, in any county, or to the circuit court clerk, county [court] clerk, sheriff, jailer, and their deputies, assistants and expenses, in counties having a population of 75,000 or more.

(6) Justices of the peace serving on a fiscal court in any county, and county commissioners serving on a fiscal court in any county other than one containing a city of the first, second, third or fourth class, shall be paid for their services, out of the county treasury, not to exceed two hundred sixty dollars ($260) per month. The fiscal court shall fix the amount to be received within the above limit, but no change of compensation shall be effective as to any member of a fiscal court during his term of office. The compensation of county commissioners serving on fiscal courts in counties containing a city of the first class shall not exceed nine thousand six hundred dollars ($9,600) per year, in counties containing cities of the second class it shall not exceed nine thousand ($9,000) per year and in counties containing cities of the third or fourth class it shall not exceed twenty percent (20%) more than the annual compensation paid in the county for the calendar year

immediately preceding 1974, and all of said annual salaries shall be payable monthly. Justices of the peace and county commissioners shall not receive any compensation for their services on the fiscal court, other than as provided by this section; nor shall they receive any compensation for serving on committees of the fiscal court. The fiscal court shall fix the amount to be received within the above limit, but no change of compensation except as provided in KRS 64.285 shall be effective as to any member of a fiscal court during his term of office.

Section 132. KRS 64.535 is amended to read as follows:

The county [court] clerk, county judge/executive, sheriff, county attorney and jailer of each county shall receive a maximum monthly salary of one-twelfth (1/12) of fourteen thousand three hundred dollars ($14,300,) to be paid solely out of the statutory fees and salaries received by him during the calendar year.

Section 133. KRS 64.770 is amended to read as follows:

(1) The county officials' compensation board is hereby created and shall consist of the commissioner of the executive department for finance and administration, the state-local finance officer, the president of each of the state associations of county [court] clerks, county judges, county attorneys, justices of the peace and commissioners, sheriffs, jailers, and coroners, three members of the general assembly appointed by the legislative research commission, and two citizens of the Commonwealth appointed by the governor. The legislative members shall be appointed for terms of two (2) years, unless their legislative term expires prior to the expiration of their term on the board, in which case a vacancy shall exist. Citizen members shall be appointed for terms of four years. The terms of the members representing the state associations shall be identical to the term of their office as president of the state association. Vacancies shall be filled for the unexpired portion of any term in the same manner as an original appointment. The commissioner of the executive department for finance and administration may, by written order filed with the chairman of the board, designate a deputy or other representative in his department to serve in his stead and to perform his duties as a member of the board in his absence. Such designation shall be deemed temporary and shall not affect the merit system or retirement rights of any person so designated.

(2) No salary or other compensation shall be allowed any member of the board, but each member may be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

(3) The board shall select one of its members as chairman and another member as vice-chairman at its first regular meeting in each calendar year. The commissioner of the executive department for finance and administration shall be secretary of the board and his office shall be responsible for administering the clerical functions of the board.

(4) The board shall hold regular meetings at least once every three months. Special meetings may be called by the chairman or by five members of the board by delivery of a written notice to the office or residence of each member of the board at least ten days in advance of the date of any special meeting. Eight members of the board shall constitute a quorum at any meeting. The board shall establish bylaws for the conduct of its meetings and shall keep an accurate record of all its proceedings.

(5) The board may employ and compensate such personnel and consultants as may be necessary to effectuate the provisions of KRS 64.780.

Section 134. KRS 65.005 is amended to read as follows:

(1) (a) "Special district" means any agency, authority, or political subdivision of the state which exercises less than statewide jurisdiction and which is organized for the purpose of performing governmental or other prescribed functions within limited boundaries. It includes all political subdivisions of the state except a city, a county, or a school district.

(b) "Governing body" means the body possessing legislative authority in a city, county, or special district.

(2) No special district shall be legally created without notifying of its existence in writing in duplicate the clerk of the county [court] within the jurisdiction of which its principal office shall be located. This requirement for notification is in addition to all other provisions of existing law providing for the creation of special districts. Such notification shall contain the names and addresses of the members of the governing body of any such district, the name and address of its chief executive officer, a specific reference to the statute or statutes pursuant to which it was created, and a brief description of its service area and activities. The clerk shall record the original and forward the duplicate copy of the notification to the state local finance officer, department of finance. The clerk shall be paid a fee of $2.00 by the district for recording and mailing the notification.

(3) The governing body of any existing special district shall submit notification as required in subsection (2) within 30 days after June 16, 1966, and the governing body of a newly-created special district shall submit the required notification at or before its first meeting.

Section 135. KRS 65.472 is amended to read as follows:

Upon acceptance of any instrument creating a scenic easement the clerk of the local legislative body shall record the same in the office of the county [court] clerk and file copies with the property valuation administrator and the local planning commission if such commission exists. From and after the time of such recordation such contract shall import such notice thereof to all persons as is afforded by the recording laws of this state.

Section 136. KRS 65.474 is amended to read as follows:

From time to time, the local legislative body may accept an instrument whereby the term of any scenic easement is extended in the same manner as is provided for the acceptance of an instrument originally creating a scenic easement. Upon the acceptance thereof the same shall be recorded in the office of the county [court] clerk and copies filed with the property valuation administrator and the local planning commission.

Section 137. KRS 66.010 is amended to read as follows:

(1) Where it is necessary for the public convenience or for the preservation of the public records to build, repair or remodel the courthouse, clerks' offices, jail or other public buildings in a county, the fiscal court, subject to KRS 66.040, may cause county bonds to be issued.

(2) The bonds shall be executed on printed forms, under the seal of the county [court], signed by the *county judge/executive* [presiding judge of the county court], and countersigned by the county clerk. They shall be issued in denominations of not less than one hundred (100) nor more than one thousand dollars ($1,000), payable to bearer at a place fixed by the fiscal court, except as provided in KRS 66.340, and at a time or times fixed by that court within not more than forty (40) years from the date of the bonds. The time of paying or redeeming the bonds may be made optional on the part of the county within the limit above prescribed. The bonds shall bear interest at not more than six per cent (6%) per annum, to be paid annually or semiannually, as the fiscal court directs, from the date of the bonds. Interest coupons, signed only by the county clerk, shall be attached to each bond. The county clerk shall make and carefully preserve in his office a list of all of such bonds, showing the number, date, amount, time due, to whom delivered, and when delivered. The bonds shall not be sold for less than par and accrued interest.

Section 138. KRS 66.280 is amended to read as follows:

(1) Whenever used in KRS 66.290 to 66.390, unless the context requires otherwise:

(a) "Commission" means the county debt commission as hereinafter established;

(b) "State local finance officer" means the commissioner of finance or his agent designated in writing with the approval of the governor;

(c) "Fiscal court" means the *county judge/executive* [judge of the county court] and the justices of the peace or the *county judge/executive* [judge of the county court] and the commissioners of the county;

(d) "Funding bonds" or "funded indebtedness" means bonds issued to fund floating indebtedness, or reissues thereof;

(e) "Road and bridge bonds" means county road and bridge bonds issued under the authorization of section 157a of the constitution of Kentucky, or reissues thereof;

(f) "Refunding bonds" means bonds issued for the purpose of reissuing or renewing outstanding bonds.

(2) KRS 66.280 to 66.390 may be cited as the "county debt act."

Section 139. KRS 67.020 is amended to read as follows:

(1) When a petition, signed in person by a number of legal voters of the county equal to twenty-five per cent (25%) of the number of votes cast in the county at the last general election for county officers, is filed *with the county judge/executive* [at a regular term of the county court], asking for an election on the proposition of removing the county seat, the county *judge/executive* [court], by orders entered of record, shall call an election on that proposition to be held on the day of the next general election for county officers that does not occur within less than ninety (90) days from the filing of the petition. No order calling such an election shall be legal unless the place to which the county seat is proposed to be removed is specified in the petition and in the order calling the election.

(2) The county *judge/executive* [court], by order entered of record, shall direct the sheriff to advertise the election and its object by publication pursuant to KRS chapter 424.

(3) If two-thirds (2/3) of all legal voters who vote at the election vote for removal, the fiscal court shall provide for the removal of the county seat.

(4) Elections under this section shall not be held oftener than once every ten (10) years in the same county.

Section 140. KRS 67.030 is amended to read as follows:

(1) When a petition, describing a particular territory of a county and signed in person by not less than a majority of the voters living in that territory, is filed *with* [at a regular term of] the county *judge/executive* [court], asking for an election on the proposition of dividing the county or striking the described territory from the county and attaching it to an adjoining county, the county *judge/executive* [court], by order entered of record, shall call an election on that proposition to be held on the day of any regular election held in the county for other than county officers that does not occur within less than ninety (90) days from the filing of the petition. No order calling such an election shall be legal unless it contains a specific description of the territory proposed to be stricken or divided.

(2) The county *judge/executive* [court], by order entered of record, shall direct the sheriff to advertise the election and its object by publication pursuant to KRS chapter 424, and by printed handbills posted at the courthouse door and at not less than four (4) places in each precinct.

(3) The proposition shall not be adopted unless a majority of all the legal voters of the county voting on the question vote in favor of it.

(4) Any portion stricken off and added to another county as a result of the election shall be bound for all costs expended.

Section 141. KRS 67.040 is amended to read as follows:

(1) The fiscal court of each county shall consist of the county judge/executive, or in his absence the county judge/executive pro tem, and the justices of the peace of the county; or of the county judge/executive, or in his absence the county judge/executive pro tem, and three (3) county commissioners elected under KRS 67.050 and 67.060.

(2) The county judge/executive, or in his absence the county judge/executive pro tem, shall preside, if present. If neither the county judge/executive nor the county judge/executive pro tem is present or cannot preside, a majority of the justices of the peace or commissioners shall elect one (1) of their number to preside during the absence or inability of the county judge/executive or county judge/executive pro tem to preside. The county judge/executive, or the county judge/executive pro tem or justice presiding in his place, shall preserve order [, and may fine and imprison for contempt of court in the same manner as the presiding judge of the county court]. *If any person fails to comply with a lawful order of the fiscal court, the circuit court, on application by the county judge/executive, may compel obedience by proceedings for contempt.*

(3) Not less than a majority of the members of the fiscal court shall constitute a quorum for the transaction of business. No proposition shall be adopted except with the concurrence of at least a majority of the members present.

(4) When there is a tie vote in the fiscal court in the selection of any officer or employe to be selected by the fiscal court, and a deadlock results and continues for fifteen (15) days or longer, the county judge/executive shall cause to be entered upon the minutes of the fiscal court an order reciting the facts as to the deadlock, and the question upon which it has occurred and exists, and thereupon, the county judge/executive shall make such appointment.

Section 142. KRS 67.050 is amended to read as follows:

(1) Any county may have a fiscal court consisting of the county judge/executive and three (3) commissioners elected from the county at large. To ascertain whether the county desires to have county commissioners, the county judge/executive, upon an application by written petition signed by one hundred (100) legal voters of the county, shall enter an order on his order book calling an election to submit to the legal voters of the county the following question: "Are you for or against having a fiscal court composed of three (3) commissioners and the county judge/executive [of the county court]?" The order shall be entered at the next regular term after the petition is filed, and shall direct the election to be held at the next regular election to be held in the county that does not occur within less than sixty (60) days from the filing of the petition. The county clerk shall give to the sheriff or other officer appointed to hold the election a certified copy of the order within five (5) days after the order is made, and the sheriff or other officer shall have the order published pursuant to KRS chapter 424 and in addition advertise it by printed handbills posted at one or more conspicuous places in each precinct in the county for the length of time that publication is required, stating when the election will be held and the purpose thereof.

(2) All such elections shall be held under the general election laws. No such election shall be held in any county oftener than once in four (4) years.

(3) Any county that has voted in favor of having county commissioners may return to its prior form of government by following the same procedures as provided in subsections (1) and (2) of this section, by which it chose to have county commissioners.

Section 143. KRS 67.063 is amended to read as follows:

(1) All counties having three (3) county commissioners as provided in KRS 67.050 shall have their districts reapportioned not later than sixty days after the publication of the decennial census. The fiscal court shall, in open court, appoint three (3) competent citizens of the county over twenty-one (21) years of age, and residing in different portions of the county and in different county commissioner districts, as reapportionment commissioners to reapportion the county into three (3) county commissioner districts, as nearly equal in population as possible. When there is a tie vote in the appointment of any reapportionment commissioner, the tie shall be broken as provided by KRS 67.070 and 67.040. The reapportionment commissioners, before they proceed to act, shall be sworn to faithfully perform their duties. They shall receive out of the county treasury such compensation as may be fixed by the fiscal court.

(2) The reapportionment commissioners shall within twenty (20) days after they are sworn in lay off boundary lines of the district and shall establish the district boundary lines so that each district is an unbroken area and not split or divided by another county commissioner district. No boundary of a commissioner's district shall cross the boundary line of an election precinct. They shall file in the office of the county clerk a written report, showing the boundary of each district and the estimated population in each. [At the next regular term of the county court commencing] Not later than thirty (30) days after the filing of the report, any citizen of the county may file exceptions, and the court shall fix a day not later than ten (10) days after the filing of the exceptions for a hearing thereon. At the hearing the court shall dispose of the exceptions and, by order entered of record, establish the reapportioned boundaries of the districts.

Section 144. KRS 67.120 is amended to read as follows:

(1) Except in counties containing a city of the first class, the county [court] clerk shall be clerk of the fiscal court. He shall attend its sessions and keep a full and complete record of all its proceedings, with a proper index. For his services as clerk of the fiscal court he shall receive an annual salary fixed at a reasonable amount by the fiscal court and paid in monthly instalments out of the county treasury. The salary must be fixed not later than the first Monday in May in the year in which county clerks are elected.

(2) The fiscal court of each county in this Commonwealth in which there is located a city of the first class shall have a clerk, and may have a deputy clerk and may employ a stenographer, all of whom shall attend its sessions and keep a full and correct record of all the proceedings of the court, together with a complete index, and who in addition shall perform such duties as may be required of them by the court. The fiscal court shall, on or before July 1 every four (4) years, beginning with 1920, appoint a clerk who shall hold his office for a term of four (4) years, commencing on July 1. The clerk shall execute bond to be approved by the fiscal court. He shall receive an annual salary which shall be fixed by the court and paid in monthly instalments out of the county levy. The court may appoint a deputy and a stenographer who shall qualify by taking the constitutional oath and who shall serve at the will of the court. The salary of the deputy clerk and the stenographer shall be fixed by the court and paid in monthly instalments out of the county levy.

Section 145. KRS 67.150 is amended to read as follows:

In counties containing a city of the second class, wherein the circuit court is always held at the county seat, the jailer is not required to attend to the county *judge/executive* [court] or to furnish fuel or lights for *fiscal court meetings* [that court] or to furnish fuel, light or water to the circuit court, and he shall not be allowed any fee for such services.

Section 146. KRS 67.170 is amended to read as follows:

The jailer of each county shall take charge of and carefully preserve all furniture, bedding and similar property belonging to the courthouse and jail. The jailer shall be liable to the county upon his official bond for the value of any such property lost or destroyed by reason of his negligence or fault, and the county may enforce this liability by notice and motion in the *district* [county] court.

Section 147. KRS 67.190 is amended to read as follow:

When a petition signed by not less than five per cent (5%) of the registered legal voters of any county, and no petition shall be signed by less than two hundred (200) legal voters of any county, shall be filed *with* [at a regular term of] the county *judge/executive* [court thereof], asking that said county be consolidated with a named adjoining county, it shall be the duty of the county *judge/executive* [court] to notify the county *judge/executive* [court] of the adjoining county. If within six (6) months from the time of said notice of the first county to the second county a petition, similarly signed by not less than five per cent (5%) of the registered legal voters of any county, and no petition shall be signed by less than two hundred (200) legal voters of any county, has been filed, for the consolidation of the two (2) counties, the county *judge/executive* [court] of the second county shall notify the county *judge/executive* [court] of the first county of such action.

Section 148. KRS 67.200 is amended to read as follows:

If such a petition is filed with the county *judge/executive* [court] of the second county more than six (6) months from the time of the filing of the petition in the first county, the petition filed in the first county shall be of no effect, but a new petition, signed as provided in KRS 67.190, may be filed in the first county, and, if it is filed within six (6) months of the filing of the petition in the second county, it shall be effective for the purpose of authorizing the calling of an election in each county as provided in KRS 67.210.

Section 149. KRS 67.210 is amended to read as follows:

If such a petition is filed in the second county within six (6) months of the filing of the petition in the first county, or if a new petition is filed in the first county within six (6) months of the filing of the petition in the second county, it shall be the duty of each of the county *judges/executive* [courts] of the two (2) counties, by orders entered of record, to call an election to be held, and direct a poll to be taken in the various precincts in each county on the day of the election to be held in said counties on the first Tuesday after the first Monday in November following the filing of the petition as provided herein, which does not occur within less than ninety (90) days of the time of the filing of an effective petition in the county in which one (1) is last filed, at which election the proposition for the consolidation of the two (2) named counties shall be submitted to the legal voters of each of the two (2) counties for their approval or rejection.

Section 150. KRS 67.220 is amended to read as follows:

The county *judge/executive* [court] of each county, by order of record, shall direct the sheriff of that county to advertise the election, and the object thereof by publication pursuant to KRS chapter 424.

Section 151. KRS 67.240 is amended to read as follows:

(1) The result of the election in each county shall be certified by the county election commissioners to the county judge/executive in each county. If a majority of the voters of each county, voting on the proposition, approve the consolidation, the county judge/executive of each county shall, within thirty (30) days after the election, appoint a commission to be composed of three (3) voters of the county for the purpose of dividing the area of the new county into districts for the election of members of the fiscal court for the new county. The said commissions representing the two (2) counties shall meet together within fifteen (15) days after their appointment and proceed to divide the area of the new county into three (3) districts, each to be as nearly equal in area and population as possible. The commissions also shall select not less than two (2) and not more than three (3) names for the new county, and shall select not less than two (2) nor more than three (3) sites for the county seat or the new county. The report of the commissions, which shall act jointly, shall be filed with the county *judge/executive* [court] of each county not less than ninety (90) days after the appointment of the commissions.

(2) If, at the expiration of ninety (90) days after the six (6) commissioners have been appointed as provided for herein, a majority of said commissioners have failed to agree upon the selection of three (3) names for the proposed county or three (3) places for the county seat to be submitted to the voters of the county as provided for in KRS 67.260, the governor of the Commonwealth of Kentucky shall appoint a seventh person to act as chairman of said board of commissioners and said chairman shall not have a vote on any question except in case of a tie vote. The report of the commissions, when a chairman is appointed, shall be filed with county *judge/executive* [court] of each county not less than thirty (30) days after appointment of the chairman.

Section 152. KRS 67.250 is amended to read as follows:

The report of the commissions shall be entered on the records of each county *judge/executive* [court]. At the next general election to be held in the counties for the election of county officers, officers for the new county shall be chosen. Said election shall be held and conducted in all respects under the general election laws obtaining in this Commonwealth at the time of the election. Members of the fiscal court for the new county shall be elected, one (1) from each of the three (3) districts created by the commissions, under the provisions of the law providing for the election of county commissioners under the commission form of government for counties, or any amendments thereto.

Section 153. KRS 67A.795 is amended to read as follows:

Each annual improvement assessment, with any penalty or interest incident to the nonpayment thereof, shall constitute a lien upon the lot or parcel of benefited property against which it is assessed. The lien shall attach to each lot or parcel of benefited property as the same is described by the owner's deed of record in the county [court] clerk's office at the time of the publication of the Third Ordinance, as provided in KRS 67A.760, and thereupon shall take precedence over all other liens, whether created prior to or subsequent to the publication of said ordinance, except state and county taxes, general municipal taxes, and prior improvement taxes and shall not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the governing body shall exempt any benefited property from its share of the improvement assessment, or from the payment thereof, or from the penalties or interest thereon, as herein provided. No error in the proceedings of the governing body shall exempt any property from liability for payment of any annual improvement assessment, or for any interest or penalty incident to nonpayment thereof. The urban-county's governing body, or any court of competent jurisdiction, shall have power to make such rules and orders as may be required to do justice to all parties.

Section 154. KRS 67A.889 is amended to read as follows:

Each annual improvement assessment, with any penalty or interest incident to the nonpayment thereof, shall constitute a lien upon the lot or parcel of benefited property against which it is assessed. The lien shall attach to each lot or parcel of benefited property as the same is described by the owner's deed of record in the county [court] clerk's office at the time of the publication of the ordinance of initiation, as provided, and thereupon shall take precedence over all other liens, whether created prior to or subsequent to the publication of the ordinance, except state and county taxes, general municipal taxes, and prior improvement assessments and shall not be defeated or postponed by any private or judicial sales, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the urban-county council shall exempt any benefited property from the lien for the improvement assessment, or from the payment thereof, or from the penalties or interest thereon, as herein provided. No error in the proceedings of the urban-county council shall exempt any property from liability for payment of any annual improvement assessment, or for any interest or penalty incident to nonpayment thereof. The urban-county council of the government shall have power to make such rules and orders as may be required to properly administer the project.

Section 155. KRS 68.230 is amended to read as follows:

There shall be in each county a county budget commission, consisting of the county judge/executive, the county attorney and one (1) member appointed by the fiscal court by an order entered on the [county court] order book *of the county judge/executive*. The county judge/executive shall be chairman of the commission. The appointive member shall be at least thirty (30) years of age, and a citizen, resident and taxpayer of the county. Except as provided in KRS 61.070, he shall not hold any other public office at the time of appointment, nor have held a public office for at least two (2) years prior to his appointment, but shall be eligible for reappointment. The term of the appointive member shall expire with the expiration of the terms of the members of the fiscal court appointing him.

Section 156. KRS 68.540 is amended to read as follows:

(1) If a majority of those voting on the question of any public service program approve such particular public service program, such particular public service program shall be adopted. The county [court] clerk shall cause the question to appear on the ballots or voting machine slips used, and the election results shall be canvassed and certified by the county board of election Commissioners.

(2) If any public service program is approved by the electorate as herein provided, the specific tax so approved by the qualified voters in respect to such specific public service program shall be levied by the fiscal court in the manner provided by law, and such tax revenues shall be devoted solely to the public service program for which such specific taxes are levied. All such voted taxes shall be in addition to all other taxes otherwise authorized and provided by law, and shall be deemed to be voted levies pursuant to KRS 68.245(1) not otherwise subject to the limitations contained therein.

Section 157. KRS 70.010 is amended to read as follows:

In addition to the oath prescribed in the constitution, every sheriff shall take the following oath *before the county judge/executive* [in the county court] of his county: "I, A B, do swear that I will do right, as well to the poor as to the rich, in all things belonging to my office as sheriff; that I will do no wrong to any one for any gift, reward or promise, nor for favor or hatred, and in all things I will faithfully and impartially execute the duties of my office according to the best of my skill and judgment, so help me God."

Section 158. KRS 70.020 is amended to read as follows:

(1) The sheriff shall execute a bond for the faithful performance of the duties of his office. This bond shall be in addition to the bond required of him by KRS 134.230 and shall be approved by the county *judge/executive* [court]. It shall be taken by the county clerk under the supervision of the county *judge/executive* [court] and witnessed by the clerk or his deputy. The fact that the bond was taken, together with the names of the sureties, shall be entered on the order book, and the bond shall be recorded in a book kept for that purpose. The county *judge/executive* [court] shall require the sheriff to renew this bond annually, and oftener if it deems proper.

(2) No jailer, coroner, judge or clerk of a county or circuit court, or attorney, shall be surety for a sheriff on his official bond.

Section 159. KRS 70.030 is amended to read as follows:
The sheriff may, with the approval of the county *judge/executive* [court], appoint his own deputies, and may revoke the appointment at his pleasure. Before any deputy executes the duties of his office he shall take the oath required to be taken by the sheriff.

Section 160. KRS 70.310 is amended to read as follows:
(1) Every constable shall execute bond, with good sureties, approved by the county judge/executive.
(2) The bond shall be recorded in a book kept for that purpose, and the fact that the oath of office has been taken and the bond executed, with sureties approved by the *county judge/executive* [court], shall, with the names of the sureties, be entered on the records of the county *judge/executive* [court].
(3) The bond shall be renewed biennially, and oftener if required by the county judge/executive. When additional security is required of the constable, he shall be given ten (10) days' notice.

Section 161. KRS 70.320 is amended to read as follows:
(1) The appointment of deputy constables shall be authorized only in counties containing a first or second-class city. In such counties each constable may appoint one or more deputies with the consent of the county judge/executive. The constable and his surety are liable on his bond for all the acts and omissions of his deputies.
(2) Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county *judge/executive* [court] entered after filing of a written direction by the constable.
(3) Each deputy constable in counties containing a city of the first class shall be compensated for his services by salary fixed by the fiscal court, and paid out of the county levy.

Section 162. KRS 70.340 is amended to read as follows:
(1) A constable who vacates or is removed from office shall return and account for all claims, process and papers in his hands, in the same manner as if he had continued in office, or he may be required by the county *judge/executive* [court] to deliver them to his successor or to the *county judge/executive* [court].
(2) The constable shall, after the expiration of his term of office, execute and return all processes or precepts in his hands at the termination of his office, and may replevy or collect all executions and fee-bills then in his hands.

Section 163. KRS 70.430 is amended to read as follows:
(1) Constables in counties containing a population of over 250,000 on or before the tenth day of each calendar month shall make a report to the county [court] clerk concerning the performance of the duties of office by himself and his deputies during the next preceding calendar month.
(a) Under the heading of civil matters, the report shall contain a statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed.
(b) Under the heading of criminal matters, the report shall contain a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution, noting the name and address of the person obtaining each warrant; the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned and unexecuted, and not returned, and not executed.
(c) Under the heading of other matters, the report shall contain a brief but adequate report upon all other acts of the constable and his deputies performed under authority, or under color of authority, of office.
(2) Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. The clerk shall cause attested copies thereof to be promptly delivered to the county judge/executive, the county attorney, and the attorney for the Commonwealth.

Section 164. KRS 70.540 is amended to read as follows:

The county *judge/executives* [courts] of the respective counties shall have and are hereby given the power, jurisdiction and authority to establish, appoint and maintain a county police force within their respective counties, all of the members and officers of which shall have and are hereby given jurisdiction coextensive with the whole county for which they are appointed. Such police force may consist of a chief and such member, rank and grade subordinate to the chief, and such clerical and skilled employes as the county judge/executive shall deem proper. All of the members and employes of the county police force shall be appointed by the county judge/executive and shall serve for a term of one (1) year from the date of their respective appointments, unless sooner removed by the county judge/executive for neglect of duty or improper conduct. All members of the force shall be citizens of the United States not less than twenty-one (21) years of age, and shall have been bona fide residents of the county in which they are appointed for not less than one (1) year before their appointment. None but discreet and sober persons shall be appointed to any position on said county police force. Each of the members of the said county police force shall take an oath, before the *county judge/executive* [judge of the county court] of their county, to faithfully, impartially and diligently perform the duties of their respective offices. Provided, however, That the chief officer of the county police force of any county may be designated, in the discretion of the county *judge/executive* [court] of said county, as captain or any other appropriate title, and such county police force in any county may consist of one or more commanding officers, as the county *judge/executive* [court] of such county may deem proper or adequate.

Section 165. KRS 70.550 is amended to read as follows:

The county *judge/executive* [court] shall have and is hereby granted the power to make, promulgate and amend rules and regulations for the appointment, promotion, transfer, laying-off, suspension, reinstatement, fine and removal of the personnel of the said county police force, the number of hours of each day, week or month the officers and members shall be on duty, and for the standardization and classification of all of the members of said force into groups, grades, and divisions or subdivisions, and for the organization, equipment and maintenance of said police force, subject to the rights of the fiscal court of the respective counties to fix salaries and compensation of all of the officers and employes of said police department, Provided, however, That no fees shall be allowed or paid to said officers or employes.

Section 166. KRS 70.560 is amended to read as follows:

The fiscal courts of the respective counties shall fix the salaries or compensation of the chief and all other appointees and employes appointed by the county judge/executive in accordance with the provisions of KRS 70.540. The fiscal court may within its discretion provide for motor vehicles, stations, substations, places of detention, telephone, wireless, radio or other means of communication within their discretion and make appropriate levy and appropriations therefor, and may also, with the approval of the *county judge/executive* [judge of the county court], direct the amount of bond to be required of each member of the county police force and may, in their discretion, provide for the payment of premiums on the bonds out of funds appropriated for the county police force.

Section 167. KRS 70.570 is amended to read as follows:

The said chief, and all other appointees assigned to patrol or police duties are hereby declared to be peace officers and conservators of the public peace whose duties are to conserve the peace, enforce all laws and preserve order and shall have and are hereby given the same right and the same power to arrest, search and seize as is now given by law to sheriffs of this Commonwealth, and they shall be at all times subject to the orders of the county *judge/executive* [court]. Provided, however, That the members of said county police force shall not have power to serve subpoenas, summonses and notices in civil cases. The county police force shall constitute a law enforcement agency in addition to the patrol and investigation functions of the sheriff and his deputies under sections KRS 70.150 to 70.170.

Section 168. KRS 70.580 is amended to read as follows:

As used in KRS 70.580 to 70.598, the following words and terms shall have the following meanings:

(1) "County" means a county maintaining an organized police force.

(2) "Employe" means any person employed by the fiscal court of the county in the police department, including those holding an administrative or directorial position in said department. In any county which shall have adopted a merit system for its police department under the provisions of chapter 78, Kentucky Revised Statutes, employe shall mean any person in the classified service of said police department having such merit system.

(3) "Patrolmen" are any persons who are employed as police officers by the county *judge/executive* [court] in any county wherein the provisions of KRS 70.580 to 70.598 are effective.

(4) "Trustees" shall mean a board of pension fund trustees as established under the provisions of KRS 70.580 to 70.598.

(5) "Pension fund" shall mean the moneys derived from the police officers and employes affected by the provisions of KRS 70.580 to 70.598, together with funds appropriated by the fiscal court of any county adopting the provisions of KRS 70.580 to 70.598, and any other sums derived from whatever sources, by gift or otherwise, to be used for the retirement and payment of benefits of police officers or their dependents, to be paid to police officers and employes of the police department after the prescribed number of years of service and for the benefit of disabled patrolmen and for the benefit of their surviving spouses and dependent children in case of death of a police officer or employe within the scope of his employment.

Section 169. KRS 70.990 is amended to read as follows:

(1) If the sheriff fails to renew the bond required of him by KRS 70.020 when ordered to do so by the county *judge/executive, the county judge/executive* [court, the court] shall suspend him from acting until he conforms with the order, or may vacate his office.

(2) If the sheriff violates any of the provisions of KRS 70.140, he may be summarily fined, not more than twenty dollars ($20.00), by the court in which the offense is committed.

(3) Any sheriff who knowingly makes a false or illegal return on any process or fee-bill, by color of his office, shall be liable to the person injured for treble the damage caused thereby.

(4) If the constable fails to give additional security or to renew his bond when ordered to do so by the county *judge/executive, the county judge/executive* [court, the court] shall enter an order declaring his office vacant.

(5) Any constable who executes any process, other than a fee-bill for his own service, in which he is personally interested shall be fined ten dollars ($10.00) for each offense.

(6) Any constable who violates any of the provisions of KRS 70.390 shall be fined five dollars ($5.00). If he violates subsections (1) or (2) of KRS 70.390 he shall be liable for the amount of the claim.

(7) Any constable or deputy constable in any county containing a population of over 250,000 who violates any of the provisions of KRS 70.440 shall be confined in the penitentiary for not less than two (2) nor more than ten (10) years.

(8) If the constable fails to return any process, placed in his hands, by the return day, the plaintiff may recover five dollars ($5.00) from him upon motion before the court from which the process issued.

(9) If a constable fails without reasonable excuse to return process placed in his hands for collection within twenty (20) days after the return day he shall be liable for the amount of the process plus ten per cent (10%).

Section 170. KRS 71.010 is amended to read as follows:

The jailer shall take the oath prescribed by the constitution and execute bond to the Commonwealth *with the county judge/executive* [in the county court] of the county in which he is elected, with sureties, approved by the *county judge/executive* court. The bond shall be attested by the clerk and entered of record in his office. No coroner, sheriff, sheriff's deputy, county or circuit judge, county or circuit clerk, or attorney shall be surety for the jailer on his official bond.

Section 171. KRS 71.050 is amended to read as follows:

The jailer is an officer of the circuit *and* [,] district [and county] courts for his county.

Section 172. KRS 71.060 is amended to read as follows:

(1) Subject to the provisions of KRS 64.345, any jailer may appoint not more than two (2) deputies, and, with the approval of the county *judge/executive* [court], may appoint additional deputies. The jailer shall be liable on his official bond for the conduct of his deputies. The deputies shall have all the powers and be subject to the same penalties as the jailer. They may be removed at any time by the jailer.

(2) Subject to the provisions of KRS 441.230, any jailer may appoint a respectable woman to care for and have supervision over the female prisoners in the jail, subject to the orders of the jailer. The woman so appointed shall be called jail matron and shall receive a salary to be paid in the same manner as deputy county jailers.

Section 173. KRS 73.010 is amended to read as follows:

The county surveyor, before he enters on the duties of his office, shall give a bond with good surety *with the county judge/executive* [in the county court]. The *county* clerk [of the court] shall attest and preserve the bond.

Section 174. KRS 73.030 is amended to read as follows:

On the recommendation of the county surveyor, the county *judge/executive* [court] may appoint one or more deputy surveyors, if the *county judge/excutive* [court] is satisfied that they are competent. The surveyor shall be answerable for the conduct of his deputies, and may remove any deputy at his discretion. The removal of a deputy must be entered on the records of the county *judge/executive* [court].

Section 175. KRS 73.140 is amended to read as follows:

When the office of county surveyor is vacant, the county *judge/executive* [court] shall order the county clerk to take charge of the books and papers of the office, and the clerk during such vacancy shall give certified copies of the records when demanded, and such copies shall be evidence in any court as if certified by the surveyor. When another surveyor is qualified, the *county judge/executive* [court] shall order that he have charge of the books and papers.

Section 176. KRS 73.180 is amended to read as follows:

The county *judge/executive* [court] shall appoint three (3) competent persons in the county to serve as processioners for a term of four (4) years. Before proceeding to act, each processioner shall take an oath to discharge the duties of his office to the best of his skill and judgment. Any two (2) processioners shall constitute a quorum to do business. The *county judge/executive* [court] may fill vacancies and remove any of the processioners and appoint others.

Section 177. KRS 73.190 is amended to read as follows:

The processioners shall, on the application of any person producing his title papers, go around his land, or the part he may desire, and re-mark it, taking care that the new marks are on the old lines. When they find any corner tree, post or stone removed, defaced or rotted down, the processioners shall mark a new corner tree, or place a stone or post, properly marked, where the old corner stood. The processioners shall report to the county *judge/executive* [court] the land they have processioned, the lands it adjoins, and what alterations of corner trees, posts or stones have been made.

Section 178. KRS 73.200 is amended to read as follows:

The processioners or any two (2) or more persons selected by the parties and appointed by the *county judge/executive* [court] may, on the application of persons whose lands adjoin, go on their dividing lines, and, by their consent, mark new corner trees, set up new stones or posts, ascertain the length of the lines, and make a report to the county *judge/executive* [court], in which the names of the parties, the new corner trees marked or stones or posts set up, and the length of the lines, shall be stated. The consent of the parties to the acts of the processioners, or persons selected, shall be indorsed on the report, and the report shall be signed by the parties and attested by one or more of the processioners or persons selected, or the parties shall not be bound. In all contests as to boundary, such report shall be conclusive evidence between the parties and all persons claiming through or under them.

Section 179. KRS 74.010 is amended to read as follows:

(1) Subject to the requirements herein specified any county *judge/executive* [court], upon petition of twenty-five (25) resident freeholders of the proposed district, may establish a water district and appoint water commissioners for the purpose of furnishing a water supply to the citizens of the county. The petition shall describe the territory intended to be included in the district, and shall set out the reasons a water district is needed.

(2) When the petition is filed the *county judge/executive* [court] shall give notice of the filing by publication pursuant to KRS chapter 424. Within thirty (30) days after the publication, any resident of the proposed district may file objections, and the *county judge/executive* [court] shall set the *matter* [case] for hearing within ten (10) days. If the *county judge/executive* [court] finds that the establishment of such district is reasonably necessary for the public health, convenience, fire protection, and comfort of the residents, *he* [it] shall make an order establishing the district, and designating it by name or number. A fee of twenty dollars ($20.00) shall be allowed the *county judge/executive* [court] for hearing the petition and entering *the* [its] order.

(3) The *county judge/executive* [court] may in this order strike off any part of the territory that the testimony shows will not be benefited by the creation of the district. If the *county judge/executive* [court] does not find that the district is necessary, *he* [it] shall dismiss the petition. Either party may thereupon appeal *the order* to the circuit court [for a retrial, and from the circuit court to the Court of Appeals as provided by law].

Section 180. KRS 74.012 is amended to read as follows:

(1) Prior to the establishment of any water district as provided by KRS 74.010, and prior to the incorporation or formation of any non-profit corporation, association or cooperative corporation having as its

purpose the furnishing of a public water supply (herein referred to as a "water association"), a committee of not less than five (5) resident freeholders of the geographical area sought to be served with water facilities by the proposed district or the proposed water association shall formally make application to the public service commission of Kentucky in such manner and following such procedures as the public service commission may by regulation prescribe, seeking from the commission the authority to petition the appropriate county *judge/executive* [court] for establishment of a water district, or proceed to incorporate or otherwise create a water association. The commission shall thereupon set the application for formal public hearing, and shall give notice to all other water suppliers, whether publicly owned or privately owned, and whether or not regulated by the commission, rendering services in the general area proposed to be served by said water district or water association, and to any planning and zoning or other regulatory agency or agencies with authority in the general area having concern with the application. The commission may subpoena and summon for hearing purposes any persons deemed necessary by the commission in order to enable the commission to evaluate the application of the proponents of said proposed water district or water association, and reach a decision in the best interests of the general public. Intervention by any interested parties, water suppliers, municipal corporations, and governmental agencies shall be freely permitted at such hearing.

(2) The public hearing shall be conducted by the commission pursuant to the provisions of KRS 278.020. At the time of the hearing, no employment of counsel or of engineering services shall have been made to be paid from water district funds, water association funds, or made a charge in futuro against water district or water association funds, if formation of such water district or water association is permitted by the commission.

(3) Before the public service commission shall approve any application for creation of a water district or water association, the commission must make a finding and determination of fact that the geographical area sought to be served by such proposed water district or water association cannot be feasibly served by any existing water supplier, whether publicly or privately owned, and whether or not subject to the regulatory jurisdiction of the commission. If it shall be determined that the geographical area sought to be served by the proposed water district or water association can be served more feasibly by any other water supplier, the commission shall deny the application and shall hold such further hearings and make such further determinations as may in the circumstances be appropriate in the interests of the public health, safety and general welfare.

(4) Any order entered by the commission in connection with an application for creation of a water district or water association shall be appealable to the Franklin Circuit Court as provided by KRS 278.410.

Section 181. KRS 74.020 is amended to read as follows:

(1) A water district shall be administered by a board of commissioners which shall control and manage the affairs of the district. The term of each commissioner is four (4) years, except as provided in this section:

(a) If a district lies wholly within a single county, or operates as a single county district as provided in paragraph (c) of this subsection, the board of commissioners shall consist of three (3) residents of the district, or of any incorporated or unincorporated area served by the district in the county in which the district was originally established, who shall be appointed by the county judge/executive with the approval of the fiscal court. Initial appointments shall be for terms of two (2), three (3) and four (4) years, as designated by the court. Commissioners serving under appointments June 16, 1966 shall continue to serve until the end of their respective terms.

(b) Except as provided in paragraph (c) of this subsection, if a district formed in a single county extends its area to include territory in an adjacent county as provided by KRS 74.115, the board of commissioners shall be appointed by the county judge/executives with the approval of the fiscal courts of the concerned counties as follows: in two (2) county districts, three (3) members from the original district and two (2) members from the extended portion of the district; for extensions into three (3) or more counties, the respective county judge/executives, with the approval of the fiscal courts, shall appoint, in addition to the existing membership of the commission, two (2) members from the original one-county district and two (2) members from the newly extended portion of the district. Orders establishing the extension shall provide for the staggering of initial terms in an equitable manner.

(c) If a single county district administered as provided in paragraph (a) hereof shall acquire an existing water or gas distribution system serving an area which extends beyond the boundaries of the district into another county, or if a district formed in a single county extends its area to include territory in an adjacent county as provided by KRS 74.115, it may operate the distribution system so acquired, or extended, provided the area served outside the county shall be deemed to be a minor portion of the total area served by the district, and provided the fiscal court of the county containing such minor portion of the total area shall have agreed to the acquisition or to the extension of the distribution system. If less than twenty-five per cent (25%) of the total assets of the distribution system are located within the county outside of the boundaries of the district, it will be conclusively presumed that said district comes within the terms of this subsection.

(2) Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment. Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only.

(3) The commission shall elect a chairman, secretary and treasurer. Each commissioner shall execute a bond, approved by the county *judge/executive* [court], conditioned on the faithful performance of the duties of his position.

(4) Each commissioner shall receive an annual salary of not more than thirty-six hundred dollars ($3600), which shall be paid out of the water district fund. In the case of single-county districts, which shall be deemed to include districts described in paragraph (c) of subsection (1) of this section, the salary shall be fixed by the county judge/executive with the approval of the fiscal court; in multi-county districts it shall be fixed by the agreement between the county judge/executives with the approval of their fiscal courts. In fixing and approving the salary of the commissioners, the county judge/executive and the fiscal court shall take into consideration the financial condition of the district, and its ability to meet its obligations as they mature.

Section 182. KRS 74.110 is amended to read as follows:

The territorial limits of an established water district may be enlarged or diminished in the following way:

(1) The commission shall file a petition with the county *judge/executive* [court], describing the territory to be annexed or stricken off, and setting out the reasons therefor.

(2) Notice of the petition shall be given. Within thirty (30) days after the notice, any resident of the water district or the territory proposed to be annexed may file objections and exceptions.

(3) The county *judge/executive* [court] shall set the matter for hearing, and if the *county judge/executive* [court] finds that it is reasonably necessary, *he* [the court] shall enter an order annexing or striking off the proposed territory. If the *county judge/executive* [court] finds that the proposed change is unnecessary, *he* [the court] shall dismiss the petition. Either party may appeal *the order* to the circuit court [, where the matter shall be reheard, and from the circuit court to the Court of Appeals in the manner provided by law].

(4) If any of the territory stricken off has been assessed to pay the costs of any improvements, the commission shall strike the assessments from the assessment roll and refund to the respective owners any assessments collected on the land which has been stricken off.

(5) If a deficit is incurred by striking off part of a water district, or by striking assessments from the assessment roll, so that the assessment roll is insufficient to pay the bonded indebtedness of the district, the deficit shall be paid out of the general fund of the district, realized from all other resources in the district.

Section 183. KRS 74.115 is amended to read as follows:

(1) Upon written request of two (2) or more freeholders in a county or counties adjacent to a county containing a water district, the board of commissioners of the district may petition the county *judge/executive* [court] of the adjoining county or counties for addition of proposed territory. The procedure for such extension shall be the same as prescribed in KRS 74.110 and the county judge/executive of the adjoining county may make such order as is therein provided.

(2) Water districts may be established and extended regardless of whether the entire territory of the district is continuous, provided that such territory lies in a county or counties in which the district has been authorized to serve.

Section 184. KRS 74.140 is amended to read as follows:

When the final report is completed and filed, it shall be examined by the *county judge/executive* [court], and if it is found to be sufficient it shall be accepted. If it is not sufficient, it may be referred back to the commission with instructions to secure further information, to be reported at a subsequent date fixed by the *county judge/executive* [court]. When the report is fully completed and accepted by the *county judge/executive* [court], a date not less than twenty (20) days thereafter shall be fixed by the *county judge/executive* [court] for the final hearing upon the report, and notice of the hearing shall be given by publication pursuant to KRS chapter 424. During the time, a copy of the report shall be on file in the office of the *county* clerk [of the county court], and shall be open to the inspection of any landowner or person interested within the district. Any landowner assessed therein may file exception to the report. The *county judge/executive* [court] upon final hearing shall confirm or reject the report.

Section 185. KRS 74.150 is amended to read as follows:

(1) After the classification of the land and the ratio of assessment of the different classes to be made has been confirmed by the *county judge/executive* [court], the commission shall prepare an assessment roll in duplicate, signed by the chairman and secretary of the commission, giving a description of all the land in the water district, the name of the owner, and the amount of assessment against each of the several tracts of land. In preparing this assessment roll the commission shall ascertain the total cost of the improvement, the cost of

the proceedings and all wages paid or to be paid, and the total shall be the amount to be paid by the lands benefited. Attached to this water-assessment roll and filed with it, shall be a statement of all the costs of the work to be done, and five per cent (5%) in addition to meet any unforeseen contingencies. This statement of costs shall also be made in duplicate and signed by the chairman and secretary of the commission. One (1) copy of the assessment roll and statement of costs shall be filed with the *county* clerk [of the county court] in which the proceeding is pending, and he shall then give at least ten (10) days' notice of the time of the hearing on the assessment roll and statement of costs.

(2) At the time fixed for the hearing, the *county judge/executive* [court] shall hear in a summary way all objections to the cost of the improvement, as set out in the statement made by the commission and filed with the assessment roll, and all objections to the assessments of lands therein set forth, and shall enter an order confirming the assessment roll, or directing the commission to change the assessments in accordance with the finding of the *county judge/executive* [court]. The order of the *county judge/executive* [court] confirming or modifying the assessment roll and statement of costs may be appealed from. The *county judge/executive* [court] shall also direct the clerk to certify to the treasurer of the commission a copy of the assessment roll as filed by the commission or changed by the *county judge/executive* [court]. One (1) copy of the assessment roll shall be retained by the clerk and recorded as part of the record.

Section 186. KRS 74.160 is amended to read as follows:

After the assessment roll has been confirmed or modified by the *county judge/executive* [court], if the commission is unable to furnish water to the owner of any land in the district, or if the land in any part of the district is so sparsely populated that in the opinion of the commission water could not be furnished to the owners thereof without incurring an unreasonable burden of additional assessment against the lands or an unreasonable burden of indebtedness against the water district without receiving any corresponding return in the profits realized from the sale of water in the territory, the commission may strike the assessments on land not receiving water from the assessment roll, or may reduce the assessments to conform with the benefits received, and refund to the respective owners any assessments collected that have been stricken off or reduced. After striking or reducing such assessments, the commission shall file a petition with the county *judge/executive* [court] setting out the reasons why the assessments should be stricken off or reduced, with a certified copy of the assessments so stricken off or reduced. The county *judge/executive* [court] shall then set the proceeding for a hearing, and after giving at least ten (10) days' notice of the time of the hearing, the *county judge/executive* [court] shall hear all objections to the order of the commission striking or reducing the assessment, and shall enter an order confirming the action of the commission or directing them to change the assessment roll in accordance with the finding of the *county judge/executive* [court]. The order of the *county judge/executive* [court] confirming or modifying the order of the commission striking off or reducing the assessment may be appealed from. If a deficit is incurred by striking or reducing any assessment so as to make the assessments insufficient to pay any bonded indebtedness of the water district, the deficit shall be paid out of the general fund of the district realized from all other revenues collected or to be collected in the district.

Section 187. KRS 74.190 is amended to read as follows:

(1) Upon the first Monday after an instalment is due, the commission shall meet and ascertain the parties whose instalments are in default and shall within sixty (60) days issue warrants directing the sheriff or other collecting officer to collect the instalments that are in default. The collecting officer shall collect the instalments, with interest due on them and deferred instalments, together with a penalty of six per cent (6%), in the same way state and county taxes are collected, and the collecting officer shall settle with the commission within sixty (60) days from the time the instalments were certified to him.

(2) All lands upon which the instalments have not been collected at the end of sixty (60) days shall be advertised and sold by the collecting officer in the same manner as in the case of state and county taxes. The sale so made shall be subject to the future instalments of the assessments, and at the expiration of ninety (90) days from the date of the original certification of the instalments to the collecting officer, the collecting officer shall make final settlement with the commission and pay to them all the moneys in his hands. If the collecting officer fails to make a settlement, the commission may compel him to make the settlement by order against him issued by the district court, after giving him five (5) days' notice in writing. In case any land is not purchased at the sale, the collecting officer shall bid in the land for the district and in his final settlement with the commission shall take credit therefor. The collecting officer shall certify each of the sales to the county [court] clerk as required in the sale of lands for state and county taxes, and the clerk shall record each sale in a book kept by him. For collecting the assessments certified to him the collecting officer shall be paid by the water commission the same fees allowed him for collecting state and county taxes and in the same manner. For recording the certificate of sale the clerk shall be allowed and paid the same fees allowed him by law for similar work in reference to state and county taxes.

(3) The owner of such real estate, or his representatives, heirs or assigns, shall have the right to redeem the land from the sale as is provided for the redemption of lands sold for state and county taxes, but only upon the same terms and conditions and within the same time as allowed in such case.

Section 188. KRS 74.200 is amended to read as follows:

When the *county judge/executive* [court] has confirmed an assessment for the construction of a water system and the assessment has been modified by a court [of superior jurisdiction], or for some unforeseen cause it cannot be collected, the commission may modify the assessment as originally confirmed to conform to the judgment of the court and to cover any deficit caused by the order of the *county judge/executive* [court] or unforeseen occurrence. The relevy shall be made for the additional sum required, in the same ratio as in the original assessment. In any other case where it is ascertained that the amount assessed against the property in the water district is not sufficient to complete the improvements provided for, such deficit may be paid out of current reserve, or the county *judge/executive* [court] may order a relevy upon the petition of the commission, or any three (3) or more petitioners. The petition must set forth the amount of the deficit, the causes thereof, and the amount necessary to be raised in order to complete the work. The county *judge/executive* [court] shall give notice of the filing and purpose of the petition and fix a time, not less than ten (10) nor more than twenty (20) days from the giving of the notice, when the petition shall be acted upon. If upon hearing the *county judge/executive* [court] finds that the relevy asked for in the petition is necessary in order to complete the work, the *county judge/executive* [court] shall direct such relevy to be made by the commission. The relevy shall be made in the same ratio as the original assessment was made and shall be collected in the same way.

Section 189. KRS 74.361 is amended to read as follows:

(1) The general assembly of the Commonwealth of Kentucky determines as a legislative finding of fact that reduction of the number of operating water districts in the Commonwealth will be in the public interest, in that mergers of such districts will tend to eliminate wasteful duplication of costs and efforts, result in a sounder and more businesslike degree of management, and ultimately result in greater economies, less cost, and a higher degree of service to the general public; and that the public policy favors the merger of water districts wherever feasible.

(2) The public service commission of Kentucky is authorized and empowered to initiate, carry out, and complete such investigations, inquiries, and studies as may be reasonably necessary to determine the advisability as to the merger of water districts. Prior to ordering a hearing with reference to the merger of any water district into one or more additional water districts, the public service commission shall cause to be prepared in writing a feasibility report and study regarding the proposed merger, containing such studies, investigations, facts, historical data, and projections as in the circumstances may be required in order to enable the commission to formulate a proper decision regarding such merger.

(3) Based upon the written report and study required to be made incident to any water district merger, the public service commission may propose by order that a merger of water districts be accomplished, and, upon the issuance of such order, shall give actual notice to all water districts proposed to be merged. Said order shall provide for a formal public hearing to be held before the public service commission on the subject of such proposed merger. Actual notice of such merger hearing shall also be furnished to the county judges */executive* of each county containing a water district proposed to be merged, and each water commissioner of a water district proposed to be merged, and notice of such public hearing shall be afforded to the public served by the respective water districts sought to be merged, by newspaper notice in accordance with the provisions of KRS Chapter 424.

(4) A formal hearing before the public service commission shall be held with reference to such merger proposal, and, upon such occasion, all water districts which are sought to be merged into a single entity shall be afforded the right to appear, to present evidence, to examine all exhibits and testimony, to cross-examine all witnesses, and to submit such memoranda, written evidence, and briefs as may be desired. Such public hearing may be adjourned from time to time by the public service commission, and notice of such adjournments may, but need not, be afforded as with reference to the initial public hearing. At the conclusion of such proceedings, the public service commission shall enter its order, either merging the water districts which are the subject of the merger proceedings into a single water district, or abandoning the merger proposal.

(5) Outstanding obligations of any water district merged in accordance with the provisions of this section which are secured by the right to levy an assessment as provided by KRS 74.130 to 74.230, inclusive, or secured by a pledge of the income and revenues of the systems operated by any such merged water district, shall continue to be retired from such moneys and funds as shall be collected from the users of facilities operated by such merged water districts in the original water district area in accordance with the terms and provisions of the enabling laws and the authorizing resolutions or indentures under which the outstanding obligations were issued, until all such obligations have been retired.

(6) In any order ordering the merger of water districts, the public service commission shall make such additional orders as may be required in connection with the schedule of rates, rentals and charges for services rendered to be levied by the water district which remains in existence following such merger, having due regard to contractual commitments made and entered into by the constituent merged water districts in connection with the issuance of obligations by such districts.

(7) Upon the effective date of any merger of water districts, the water commissioners of the merged water districts shall continue to serve as water commissioners for the remainder of the terms for which they were appointed, and, following the expiration of the terms of such water commissioners, the appropriate county *judge/executive or county judges/executive* [court or county courts] shall appoint and reappoint water commissioners to manage the business and affairs of the resultant water district, in the manner provided by KRS 74.020.

(8) Any order of merger entered by the public service commission in accordance with this section shall be subject to all of the provisions of KRS Chapter 278, with reference to petitions for rehearing, and appeal.

(9) Using the authority of this section the public service commission can also cause mergers of water associations into water associations or mergers of water associations into water districts.

(10) Nothing contained herein shall be construed to prohibit or limit in any respect the acquisition by water utilities subject to the jurisdiction of the commission or by municipally owned water utilities of the assets of water districts or water associations or the merger of water districts or water associations and water utilities subject to the jurisdiction of the commission or municipally owned water utilities.

Section 190. KRS 74.367 is amended to read as follows:

(1) At any time after the organization of a water district, and after approval by the public service commission in a proceeding similar to that provided by KRS 74.015, more than fifty per cent (50%) of the freeholders within the district and a majority of the commissioners of the district may file a petition with the county *judge/executive who* [court which] had jurisdiction over the organization of the district requesting discontinuance of the water district. The petition shall state the reasons for discontinuance and that all obligations of the district have been met and that approval of the public service commission has been obtained.

(2) After giving notice as provided in KRS chapter 424 the county *judge/executive* [court] may conduct such hearings on the petition as may be necessary to assist in making a determination.

(3) If, after hearings on the petition for discontinuance of the district the county *judge/executive* [court] determines that a discontinuance is in the best interest of the residents of the district, the water district shall be dissolved by order of the county *judge/executive* [court] and a copy of the order shall be forwarded to the public service commission.

Section 191. KRS 74.400 is amended to read as follows:

(1) Any county *judge/executive* [court], except in counties containing a city of the first class, upon petition of seventy-five (75) resident freeholders of a water district organized under the provisions of KRS 74.010, may authorize said water district to acquire, develop, maintain, and operate a system for the distribution of gas to the citizens of the county. The petition shall describe the territory intended to be included in the area to be served and shall set out the reasons a gas distribution system is needed.

(2) When the petition is filed, the *county judge/executive* [court] shall give notice of the filing by publication as provided in KRS chapter 424. Within thirty (30) days after the publication, any resident of the district may file objections, and the *county judge/executive* [court] shall set the *matter* [case] for hearing within ten (10) days. If the *county judge/executive* [court] finds the establishment of a gas distributing system by such district reasonably necessary for the public health, convenience, and comfort of the residents, *he* [it] shall make an order authorizing the establishment or acquisition of the gas distributing system.

(3) The *county judge/executive* [court] may in *his* [its] order strike off any part of the territory that the testimony shows will not be benefited by the creation of the distribution system. If the *county judge/executive* [court] does not find that the gas distribution system is necessary *he* [it] shall dismiss the petition. Either party may appeal *the order* to the circuit court [for a retrial, and from the circuit to the Court of Appeals, as provided by law].

Section 192. KRS 74.440 is amended to read as follows:

(1) Upon the adoption of such an ordinance or resolution by the governing body of each such city or water district a certified copy thereof shall be filed with the county *judge/executive* [court] of the county in which the cities or water districts proposing the creation of the commission having the greatest aggregate population are situated and upon such filing the *county judge/executive* [court] shall by appropriate order set a date for a public hearing on the creation of such commission and shall give reasonable notice of such public hearing which notice may be given in the manner as provided by KRS chapter 424. Any resident of the cities or water districts proposing the creation of the commission may file objections and at the public hearing if the *county judge/executive* [court] finds that the establishment of such a commission is reasonably necessary or

advantageous for the public health, convenience and comfort of the residents of all such cities and water districts which proposed the creation of the commission *he* [it] shall make an order establishing the commission and designating it by name which name shall include the words "water commission."

(2) If the *county judge/executive* [court] does not find that the creation of a commission is reasonably necessary or advantageous *he* [it] shall make an appropriate order in this regard. Any party in interest may thereupon appeal *the order* to the circuit court [for a retrial, and from the circuit court to the Court of Appeals as provided by law] or the cities and water districts may revise and readopt such ordinances or resolutions.

Section 193. KRS 74.450 is amended to read as follows:

(1) After the county *judge/executive* [court] has made an order creating a water commission the presiding officer of each of the cities or water districts which proposed the creation of said commission with the approval of the governing body thereof shall appoint one (1) commissioner and if the number of commissioners so appointed by the presiding officers of such cities or water districts shall equal or exceed five (5), then no further commissioners shall be appointed and such commissioners shall be and constitute the water commission.

(2) If the number of commissioners appointed by the presiding officers of such cities or water districts shall be less than five (5), then the county judge/executive *who* [of the county which] entered the order creating the commission shall appoint such additional commissioners to said commission as shall be necessary to make the number of commissioners equal five (5). The commissioners so appointed shall constitute the commission which shall be a public corporation and a public body corporate and politic with the powers and duties specified in KRS 74.420 to 74.520 and which commission shall be a joint agency and instrumentality of the respective cities or water districts represented by said commission. The commission may in its corporate name contract and be contracted with, sue and be sued, adopt and alter at its pleasure a corporate seal and purchase, own, hold and dispose of all real and personal property as may be necessary for carrying out its corporate purpose under KRS 74.420 to 74.520.

(3) The commissioners originally appointed shall meet and select by lot their respective terms of office so that approximately one-third (1/3) of the commissioners shall serve for a term of two (2) years, a like number for a term of three (3) years and the remaining commissioner or commissioners for a term of four (4) years. Such terms shall be deemed to commence from the first day of the month during which the order of the county *judge/executive* [court] creating the commission was entered.

(4) Upon the expiration of the term of office of each of the commissioners a successor shall be appointed to succeed him for a term of four (4) years and such appointment to be made in the same manner as the original appointment.

(5) Each commissioner so appointed shall serve until their successors have been appointed and have qualified. Each commissioner shall be a resident of the cities or water districts which are represented by the commission. However, no person shall be eligible for appointment, if he has held an elective office in the state, any county or city, until one (1) year after the expiration of the term for which he was last elected, and no officer or employe of any city, water district, political subdivision or other public body whether holding a paid or unpaid position shall be eligible for appointment as a commissioner. A commissioner is eligible for reappointment upon the expiration of his term. A vacancy shall be filled for the balance of the unexpired term in the same manner as that prescribed for the appointment of the person who has ceased to hold office. Each commissioner shall receive the same compensation which shall not be more than $500 per year, to be fixed by the commission and to be paid out of commission funds. Each commissioner shall furnish a bond for faithful performance of his official duties. This bond shall not be less than $5,000 and the amount thereof shall be fixed by the commission and its cost shall be paid by the commission.

(6) Each commissioner may be removed by the official by whom he was appointed, for cause, after hearing by the appointing official and after at least ten (10) days' notice in writing shall have been given to such commissioner, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the appointing official shall be final and removal results in vacancy in such office.

Section 194. KRS 74.500 is amended to read as follows:

After the creation of a water commission provided for by KRS 74.420 to 74.520 a city or water district which did not participate in the creation of said commission may participate in its operation and appoint a commissioner to serve on said commission in the following manner:

(1) The governing body of such city or water district shall adopt and file *with the county judge/executive who* [in the county court which] entered the order creating said commission an ordinance or resolution electing and requesting that it be permitted to be included in and represented by said commission in the same manner and to the same extent as if said city or water district had originally participated in the creation of said commission.

(2) Upon such filing the *county judge/executive* [court] shall by appropriate order set a date for a public hearing on the inclusion of such a city or water district in said commission, and shall give notice of such public hearing in the manner as provided by KRS 74.440. Any resident of the city or water district at the time represented by said commission, and any resident of the city or water district requesting to be included in and represented by said commission and to participate in its operation, may file objections, and at the public hearing if the *county judge/executive* [court] finds that the inclusion of such city or water district in said commission is reasonably necessary or advantageous for the public health, convenience and comfort of the residents of all cities and water districts represented by said commission, including the city or water district requesting to be included in said commission, and Provided further, That there shall be on file *with the county judge/executive* [at the county court] a resolution adopted by said commission evidencing its willingness to have such city or water district included in and represented by said commission the *county judge/executive* [court] shall make an order authorizing the inclusion of such city or water district in the commission. If the *county judge/executive* [court] does not find that the inclusion of such city or water district is reasonably necessary or advantageous *he* [it] shall make an appropriate order in this regard. Any party in interest may thereupon appeal to the circuit court [for a retrial and from the circuit court to the Court of Appeals as provided by law].

(3) Upon the entering of the order by the county *judge/executive* [court] authorizing the inclusion of such city or water district in said commission the number of commissioners, if any, to be appointed to said commission by the county *judge/executive* [court] shall be reduced by one (1) and the presiding officer, with the approval of the governing body of the city or water district which shall by virtue of said proceedings be included in and represented by said commission, shall appoint a commissioner whose term shall begin at the expiration of the term of the commissioner appointed by the county *judge/executive* [court] whose term shall first expire. In the event there is no commissioner on said commission appointed by the county *judge/executive* [court] the term of the commissioner appointed by the presiding officer of such city or water district shall be fixed so that the terms of approximately one-third (1/3) of the commissioners will expire in each year.

Section 195. KRS 75.010 is amended to read as follows:

(1) A petition for the establishment of a fire protection district or a volunteer fire department district signed by at least fifty-one per cent (51%) of the voters, as determined by the registration books covering the territory, and living within the boundary of the proposed fire protection district or volunteer fire department district may be filed in the county [court] clerk's office of the county in which the greater part of the territory is located. The petition shall set out the metes and bounds of the proposed fire protection district or volunteer fire department district, the number of voters thereof, and other facts thought proper. Notice of the filing of the petition, the object thereof, and the date set for a hearing thereon shall be given by publication pursuant to KRS chapter 424, and by notices posted for at least ten (10) days prior to the hearing, one (1) at the courthouse door, and three (3) others at public places within the bounds of the proposed fire protection district or volunteer fire department district. On the day provided for in the notice, the *county judge/executive* [court] shall, if the proper notice has been given and publication made, and no written objection or remonstrance is interposed, enter an order establishing a fire protection district or a volunteer fire department district in accordance with the prayer of the petition, naming it, and describing the boundary thereof by metes and bounds. Objection or remonstrance may be made to the petition by any inhabitant of the proposed fire protection district or a volunteer fire department district, or any person owning property therein, and if objection or remonstrance is made, the *county judge/executive* [court] shall hear and determine the same, and enter an order establishing, or refusing to establish the fire protection district or volunteer fire department district as may seem proper. Any aggrieved person may *appeal the order* [bring an action] in circuit court [to contest the decision] of the county *judge/executive* [court].

(2) In no event shall any fire protection district or any volunteer fire department district include within its metes and bounds any territory at that time or thereafter included in any city of this Commonwealth which maintains a "regular fire department," and which city has paid its proportionate share of the indebtedness incurred while such territory was a part of that district.

Section 196. KRS 75.020 is amended to read as follows:

(1) The territorial limits of an established fire protection district, or a volunteer fire department district, as established under KRS 75.010 to 75.080, may be enlarged or diminished in the following way: The trustees of the fire protection district or of the volunteer fire department districts shall file a petition in the county [court] clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication and posting in the same manner as provided for in KRS 75.010. On the day fixed in the notice, the *county judge/executive* [court] shall, if the proper notice has been given, and the publication made, and no written objection or remonstrance is

interposed enter an order annexing or striking off the territory described in the petition. Fifty-one per cent (51%) or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance be filed said clerk shall promptly give notice to the trustees of the fire protection district, or of the volunteer fire department district, and the *county judge/executive* [court] shall hear and determine the same. If upon such hearing, the *county judge/executive* [court] finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the fire protection district or the volunteer fire department district and materially affect adversely the owners and the inhabitants of the territory sought to be annexed or stricken off, *he* [it] shall enter an order, granting the annexation or striking off the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two (2) years. Any aggrieved person may bring an action in circuit court to contest the decision of the county *judge/executive* [court].

(2) The property in any territory annexed to a fire protection district or to a volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the fire protection district or the volunteer fire department district prior to the date of the annexation of such territory, except such indebtedness as represents balance owing on purchase price of fire fighting equipment. The property in any territory stricken off from a fire protection district or a volunteer fire department district by the incorporation of or annexation by a city of this Commonwealth shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district. Territories stricken by action of the *county judge/executive* [court] under the provisions of subsection (1) shall be relieved of liability for all indebtedness incurred by the fire protection district or the volunteer fire department district.

(3) Any city that maintains a "regular fire department," and has either by incorporation or annexation caused property to be stricken from a fire protection district or a volunteer fire department district, may assume the liability of such taxes as may be necessary to pay the proportional share of the indebtedness incurred while such territory was a part of said district.

Section 197. KRS 75.255 is amended to read as follows:

(1) At the end of each fiscal year, the board of trustees of fire protection districts and volunteer fire department districts shall employ a certified public accountant to audit the books and records of the district. The certified public accountant selected shall have no personal interest in the financial affairs of the board of trustees or in the financial affairs of the officers or employes of the district.

(2) Immediately upon completion of each audit, the accountant shall prepare a report of his findings and recommendations. Two copies of this report shall be transmitted to the board of trustees and one copy shall be transmitted to each county [court] clerk within the fire protection or volunteer fire department district for the purpose of having the audit as part of the public records which shall, be open for public inspection. A copy shall be posted for not less than thirty days.

(3) The actual expense of the audit report and the expense of the audit conducted shall be paid from the funds of the fire protection or volunteer fire department district.

(4) Fire protection and volunteer fire department districts not exercising their taxing authority pursuant to KRS 75.040 shall be exempt from the provisions of this section.

(5) This section shall not relieve any fire protection or volunteer fire department district from complying with the provisions of KRS 424.220.

Section 198. KRS 76.241 is amended to read as follows:

(1) The district may establish a construction subdistrict when twenty-five per cent (25%) or more of the freeholders of land sought to be included in the construction subdistrict file their petition with the district. The petition shall describe the territory intended to be included in the construction subdistrict and the sewer and drainage conditions and facilities existing in this territory. The territory of the construction subdistrict may be noncontiguous to other territory of the district. Tenants in common, joint tenants with or without right of survivorship, and tenants by the entireties shall be deemed one (1) freeholder or property owner.

(2) When the petition is filed with the district, said district shall give notice of the filing by publication pursuant to KRS chapter 424. Within thirty (30) days after the publication, any resident or freeholder of the proposed construction subdistrict may file objections and the district shall set the case for hearing within thirty (30) days. If the district finds that the establishment of the construction subdistrict is reasonably necessary for the public health, convenience and comfort of the residents of the subdistrict, it shall make an order establishing the construction subdistrict and designating it by name and number.

(3) If the district finds that the construction subdistrict is not necessary, it may dismiss the petition. If the district finds that any part of the proposed territory will not be benefited, it may strike such part. If the district strikes a certain portion of the area, the signature of the freeholders of that portion shall not be counted in determining whether the necessary twenty-five per cent (25%) have petitioned for the creation of

the subdistrict. A copy of the order of the board establishing a construction subdistrict shall be published in accordance with KRS chapter 424.

(4) An order of the district rejecting or dismissing the petition shall be deemed a final order of the district appealable to the circuit court under the procedure set forth in KRS 76.247 within sixty (60) days. Appeals to the circuit court from the order establishing a construction subdistrict or striking or refusing to strike any territory from a construction subdistrict shall be made only as provided in KRS 76.247 and only after following the procedures required in KRS 76.247.

(5) In the event the owner or owners of all property or properties proposed to be included within the territorial boundaries of a construction subdistrict shall tender to the district their written request or requests that the district proceed immediately with the creation of a construction subdistrict, and the construction and installation therein of sewer facilities as provided in KRS 76.241 to 76.273, inclusive, and shall unqualifiedly waive all formalities and substantive rights contained in:

(a) KRS 76.241, concerning the affording of notice as to creation of a construction subdistrict, the time for filing objections to the creation thereof, and the time for appealing from an order establishing a construction subdistrict;

(b) KRS 76.243, concerning the affording of notice as to proposed assessments; and

(c) KRS 76.246, concerning the holding of a public hearing, and permitting litigation following the making and publication of an order concerning the construction plan in general.

(6) The district may thereupon make and publish an order creating such construction subdistrict, and its order as provided in KRS 76.246 (2), without further action being required, and may thereupon proceed to carry out said plan for improvements without further recourse to said identified statutory provisions and formalities; but in all such instances the written request or requests of the owner or owners of all properties proposed to be included within the territorial boundaries of such construction subdistrict shall be in recordable form and shall be recorded in the office of the *county* clerk [of the county court] of the county wherein the properties are situated, and said clerk is authorized to record such instruments as in the case of mortgages and may charge and receive fees therefor as in the case of mortgages. Each resolution of the district, by which an improvement is undertaken according to this section, shall contain a recitation of the receiving of written requests and waivers from the owners of all properties included within the territorial boundaries of the construction subdistrict. In the event the district proceeds pursuant to KRS chapter 107, as authorized by KRS 76.251, the lien for which provision is made in KRS 107.160 shall attach upon publication of the resolution (equivalent to the "third ordinance") which authorizes issuance of improvement assessment bonds.

Section 199. KRS 76.261 is amended to read as follows:

(1) The holders in aggregate principal amount of twenty per cent (20%) of any class of construction subdistrict bonds authorized by KRS 76.254 may ex parte move a judge of the circuit court of the county containing the construction subdistrict to appoint a trustee to represent all of the holders of the same class of bonds when the facts described in paragraph (b) of subsection (2) have occurred.

(2) The judge shall appoint a trustee (which may be corporate) upon a showing that:

(a) movants in fact are holders of twenty per cent (20%) or more of the aggregate principal amount of the affected class of the bonds;

(b) movants claim that there has been a default exceeding thirty (30) days in the payment of interest or principal on the bonds, that the district has failed to comply with the provisions of KRS 76.005 to 76.281 relating to construction subdistrict bonds, or that the district has breached a contract with the holders of the bonds; and

(c) movants have filed in the office of the county [court] clerk of the county containing the district an instrument in the nature of a notice of action against the district which instrument states that movants have applied to have a trustee appointed pursuant to this section and which names the affected construction subdistrict.

(3) The trustee may, or upon written request of any twenty per cent (20%) in aggregate principal amount of his bondholder beneficiaries shall, file an action in his name against the district; the action shall seek all remedies, including but not limited to mandamus, prohibition, judgment against a special fund or funds, injunction, and declaratory judgment, needed to preserve and enforce the rights of the bondholders. The action shall be filed in the circuit court of the county containing the district.

(4) The rights of bondholders include, but are not limited to, the right to:

(a) require the district to collect from the construction subdistrict rates, rentals, and charges adequate to pay principal and interest on the bonds;

(b) require the district to perform all lawful agreements with the bondholders;

(c) require the district to account to the bondholders as if it were trustee of an express trust for their benefit;

(d) have the district enjoined from doing any acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) have all bonds of the affected class declared due and payable.

(5) Any trustee, whether or not all bonds have been declared due and payable, shall be entitled as of right, upon application to the circuit court, to the appointment of a receiver, who may enter upon and take possession of the construction subdistrict facilities, or any part thereof, and operate and maintain the same, and collect and receive all rentals, rates, other charges, and revenues of the construction subdistrict payable after commencement of the receivership. The receiver shall deposit such moneys in a separate account and apply them as the court directs. In any suit, action, or proceeding, by the trustee, the fees, counsel fees, and expenses of the trustee and of the receiver, if any, shall constitute disbursements taxable as costs. All costs and disbursements allowed by the court shall be a first charge on any revenue derived from the construction subdistrict facilities. Such trustee shall, in addition to the foregoing, have and possess all the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

Section 200. KRS 76.268 is amended to read as follows:

Annexation to subdistricts may be accomplished by any of the following procedures, as the board may elect:

(1)(a) After the creation of a construction subdistrict under the provisions of KRS 76.241 to 76.246, the board may, if it deems it advisable, use the authority and procedures granted to sanitation districts by KRS 220.535 to 220.537 to annex territory to a subdistrict, the words "board of directors" being read as "metropolitan sewer district board."

(b) Language in KRS 220.535 limiting the powers of annexation to a sanitation district in a county not containing a city of the first class, shall not be applicable to a metropolitan sewer district which might use this method of annexation to a construction subdistrict even if it is located in a county containing a city of the first class, and the director of sanitary engineering of the department of health shall function in regard to annexation by it in the same manner and under the same procedures, as set out in KRS 220.535 to 220.537, as he would in his capacity as commissioner of sanitation districts for any sanitation district.

(2) After the creation of a construction subdistrict under the provisions of KRS 76.241 to 76.246, the board may annex any area, contiguous or noncontiguous, subject to the limitations of KRS 76.242, to the construction subdistrict by making a preliminary order describing the area to be annexed and causing said order to be published pursuant to KRS chapter 424. The notice so published shall state that objections in writing to the proposed annexation may be filed with the district within thirty (30) days of the date of said notice. The district shall examine and hear all such complaints. It may modify or amend the areas proposed to be annexed; and it shall make a final order, within sixty (60) days of the date of publication of said notice, describing the areas to be annexed and shall cause the same to be published, pursuant to KRS chapter 424. A freeholder of land within the area proposed to be annexed may appeal such final order in the manner described in KRS 76.247. In referring to KRS 76.247, this section is not intended to provide for de novo trial.

(3) In the event the owner or owners of all the property or properties proposed to be annexed to a construction subdistrict shall tender to the district their written request or requests that the district proceed immediately with the annexation of said property or properties, and shall unqualifiedly waive all formalities and substantive rights contained in subsection (2) of this section, the district may thereupon make and publish a final order annexing said property or properties to the construction subdistrict. Said order shall contain a recitation of the receiving of waivers from the owners of all properties to be annexed thereunder. Provided, however, That in all such instances the written request or requests of the owner or owners of all properties proposed to be annexed to a construction subdistrict shall be in recordable form and shall be recorded in the office of the *county* clerk [of the county court] of the county wherein the property is located; and said clerk is authorized to record such instruments as in the case of mortgages and may charge and receive fees therefor as in the case of mortgages.

(4) The provisions of subsections (1), (2) and (3) of this section shall not repeal or reduce any existing rights or duties of metropolitan sewer districts, but shall constitute merely a procedure for annexation to construction subdistricts by a metropolitan sewer district.

Section 201. KRS 76.276 is amended to read as follows:

Whenever by resolution of the fiscal court acting upon its own initiative or upon petition from the metropolitan sewer district, it is declared for the best interests of such county and the inhabitants thereof that such sanitation tax district or districts be created under the provisions of KRS 76.005 to 76.281, the fiscal court of such county shall file a certified copy of such resolution with the county [court] clerk [of the county]. The resolution shall describe the territory included within the sanitation tax district.

Section 202. KRS 76.278 is amended to read as follows:

(1) In order to establish a comprehensive sewage and sewage treatment system, or storm water and surface drainage system, or both within the sanitation tax district, the sanitation tax district through its board

may levy an ad valorem tax upon the real property in the district, not exceeding limits designated by the constitution of the Commonwealth. Provided, however, That notice stating the amount of the proposed tax and the area to be affected be published in a newspaper of bona fide circulation as provided in KRS 424.130. Provided, further, That no resolution of the board imposing an ad valorem tax shall go into effect until the expiration of thirty (30) days after the first publication of the notice. If during the thirty (30) days next following the first notice of said resolution, a petition signed by a number of constitutionally qualified voters equal to fifteen per cent (15%) of the votes cast within the area affected at the last preceding general election, stating the residence of each signer, and verified as to signatures and residence by the affidavits of one or more persons is presented to the county *judge/executive* [court] protesting against passage of such resolution or if the fiscal court passes a resolution suspending the tax, the resolution shall be suspended from going into effect. The county judge/executive shall notify the board of the sanitation tax district of the receipt of the petition or of the suspension of the resolution or both. If the resolution is not repealed by the board, the board shall submit to the voters of the area to be taxed, at a regularly scheduled election or at an election held for that purpose, the question as to whether the tax shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the resolution shall not go into effect. If a majority of the votes cast upon the question favor its passage, the resolution shall go into effect as of January 1 of the year succeeding the year in which the election is held.

(2) When such tax levy has been fully approved, the property valuation administrator, with the cooperation of the board shall note on the tax rolls the taxpayers and valuation of the property subject to such tax. The county clerk shall compute the tax on the regular state and county tax bills in such manner as may be directed by regulation of the department of revenue.

(3) Such ad valorem taxes shall be collected by the sheriff in accordance with the general law and accounted for to the board. The sheriff shall be entitled to a fee of one per cent (1%) of the amount collected.

Section 203. KRS 76.281 is amended to read as follows:

In counties containing a metropolitan sewer district, the county *judge/executive* [court] shall not accept for filing a petition tendered to it pursuant to KRS 76.300 to 76.305 unless the metropolitan sewer district has certified in a written instrument that the proposed sewer construction district will not interfere with the orderly operation and expansion of the metropolitan sewer district. The circuit court of any county containing a metropolitan sewer district shall have jurisdiction to compel by injunction the issuing of such a certificate if its issuance has been denied arbitrarily, capriciously, or unreasonably.

Section 204. KRS 76.300 is amended to read as follows:

The county *judge/executive* [court] of any county in which a metropolitan sewer district has been established, upon petition of twenty-five per cent (25%) of the resident freeholders therein may establish a sewer construction district for the purpose of providing sewers and/or drainage facilities to serve the district. The petition shall describe the territory intended to be included in the district, and the sewer and drainage conditions and facilities existing in this territory.

Section 205. KRS 76.315 is amended to read as follows:

If the *county judge/executive* [court] orders such district established, the *county judge/executive* [court] shall appoint three (3) commissioners, from among the residents of the sewer construction district. One (1) of the commissioners shall be appointed for a term of two (2) years, one for a term of three (3) years and one (1) for a term of four (4) years from the date of first appointment. Upon expiration of the term of office of each of these commissioners, the county *judge/executive* [court] shall appoint a commissioner to succeed him, to serve for a term of four (4) years. The commissioners shall elect a chairman, a secretary and a treasurer.

Section 206. KRS 76.335 is amended to read as follows:

When the report is filed, the clerk shall, within five (5) days, cause notice of the filing of the report to be given by publication pursuant to KRS chapter 424 and by notices posted in three (3) public places within the sewer construction district. The *hearing shall be held not more than* [proceeding shall be docketed for the first day of the next term of the county court which does not start within] twenty (20) days from the first published notice. Property owners may file exceptions to said report at any time up to the day the proceeding is docketed. The *county judge/executive* [court] may hear the proceeding on that day, unless further time be required.

Section 207. KRS 76.345 is amended to read as follows:

When this report of classification of benefits is filed, the clerk shall, within five (5) days, cause notice of the filing of same to be given by publication pursuant to KRS chapter 424, and by notices posted in three (3) public places within the sewer construction district. The *hearing shall be held not more than* [proceeding shall be docketed for the first day of the next term of the county which does not start within] twenty (20) days from the first published notice. Property owners may file exceptions to said report at any time up to the day the proceeding is docketed. The *county judge/executive* [court] may hear the proceeding on that day, unless further time be required.

Section 208. KRS 76.370 is amended to read as follows:
On completion of collection of assessments, distribution of funds and retirement of all bonds, a sewer construction district may be dissolved by order of the county *judge/executive* [court].

Section 209. KRS 88.230 is amended to read as follows:
If a vacancy occurs in the office of an elected marshal, the board of trustees shall fill the vacancy by appointment for the time fixed in section 152 of the constitution. If a vacancy occurs in the board of trustees, or in the entire board, the county *judge/executive* [court] shall fill the vacancy by appointment for the time fixed in section 152 of the constitution. If a vacancy occurs in an appointive office, the board of trustees shall fill the vacancy by appointment for the unexpired term.

Section 210. KRS 89.030 is amended to read as follows:
(1) The sense of the voters of any city of the second, third or fourth class shall be taken on the question of organizing and being governed under the commission form of government, upon application to the county judge/executive of the county in which the city is situated by written petition signed by a number of legal voters of the city equal to twenty-five per cent (25%) in cities of the second and fourth classes, or twenty per cent (20%), in cities of the third class, of the votes cast in the city at the last preceding general election. The county judge*/executive* shall receive the petition, and at the next regular term thereafter make an order in his book directing an election to be held in the city at the next regular election that is held not earlier than sixty (60) days, in cities of the second, third and fourth classes, nor later than ninety (90) days, in cities of the fourth class, after the application is lodged with the judge, except that in cities of the second class the election shall not be held in the same year that the mayor is elected. The order shall direct the sheriff or other officer of the county who is appointed to hold the election to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city on the question of whether or not they are in favor of the organization and government of the city under the commission form of government.

(2) In cities of the second class the question to be submitted to the voters shall be:
"Are you in favor of the organization and government of the city of .... under the commission form of government"?

(3) In cities of the third class the question to be submitted to the voters shall be:
"Are you in favor of the organization and government of the city of .... under the commission form of government, under which the members of the board of commissioners shall each receive a salary of $.... per annum"?

(4) In cities of the fourth class the question to be submitted to the voters shall be:
"Are you in favor of the organization and government of the city of .... under the commission form of government, under which the salary of the mayor for the first term shall be $.... per annum, the salary of the police judge for the first term shall be $.... per annum, and the salary of each commissioner for the first term shall be $.... per annum"?

(5) The county clerk shall give to the sheriff of the county, or to such officer as may be appointed to hold the election, a certified copy of the order of the county *judge/executive* [court], as it appears on the order book, within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and also advertise the order by handbills posted in conspicuous places in the city, for the same length of time that publication is required. The sheriff or other officer shall have the advertisement published and notices posted within seven (7) days after he receives the order of the county *judge/executive* [court]. The election shall be held by the regular election officers.

(6) The board authorized to canvass election returns shall certify the result of the election to the *county* clerk [of the county court] and to the clerk of the city. [At the next regular term of court] The county judge/executive shall *within three (3) days* cause the certificate to be spread on the order book of the *county judge/executive* [court]. The entry of the certificate in the order book, or copy thereof, shall be prima facie evidence of the facts therein contained. In cities of the second class the entry of the certificate in the order book, or copy thereof, shall be conclusive evidence of the election and its result.

(7) If a majority of the votes cast are in favor of organizing and governing the city under the commission form of government, the certificate of the canvassing board delivered to the city clerk shall be spread upon the records of the city at the next regular meeting of the city legislative body, and thereupon the city shall be organized and governed by the provisions of KRS 89.040 to 89.290.

(8) Failure on the part of any ministerial officer to perform the duties required of him by this section shall not prevent the organization and government of the city under the commission form of government.

Section 211. KRS 89.290 is amended to read as follows:

(1) Whenever the citizens of any city of the second, third or fourth class that has been organized and governed under the commission form of government for a period of not less than four (4) years desire that the organization and government of the city under the commission form of government shall terminate, they shall file with the county judge/executive of the county in which the city is located a written petition signed by a number of the legal voters of the city equal to thirty-three and one-third per cent (33$TH1/3 %) of the votes cast in the city at the last preceding general election. The county judge/executive shall receive the petition, and [at the next regular term thereafter] make an order on his order book directing an election to be held in the city at the next regular election that will be held not earlier than sixty (60) days after the application is lodged with the *county* judge/*executive*, except that in cities of the second class the election shall not be held at the same time commissioners are elected. The order shall direct the sheriff or other officer of the county who is appointed to hold the election to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city upon the question as to whether or not they are in favor of the abandonment of the commission form of government. The question to be submitted to the voters shall be: "Shall the city of .... abandon the commission form of government"?

(2) The county clerk shall give to the sheriff or other officer appointed to hold the election a certified copy of the order of the county *judge/executive* [court] as it appears on the order book, within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and shall advertise the order by handbills posted in conspicuous places in the city for the same length of time that publication is required. The sheriff or other officer shall have the advertisements published and notices posted within seven (7) days after he receives the orders of the county *judge/executive* [court].

(3) The canvassing board shall certify the result of the election to the *county* clerk [of the county court] and to the clerk of the city, and [at the next regular term of court] the county judge/executive shall *within three (3) days* cause the certificate to be spread upon the order book of the *county judge/executive* [court]. The entry of the certificate on the order book, or copy thereof, shall be prima facie evidence of the facts therein contained.

(4) If a majority of the votes cast is in favor of the proposition so submitted, and the certificate of the canvassing board has been spread upon the order book of the county *judge/executive* [court], the certificate delivered to the city clerk shall be spread upon the records of the city, at the next regular meeting of the city council, and thereupon the city shall cease to be governed by the commission form of government, and shall thereafter be governed by the general city laws applicable to that class of city, except that in cities of the second class the commissioners theretofore elected shall continue in office and administer the government of the city until the expiration of the terms for which they were elected.

Section 212. KRS 89.300 is amended to read as follows:

(1) The county judge/executive in the county in which is located a city of the fifth or sixth class proposing to take the sense of its voters upon the question of adopting the commission form of government shall, upon the application by written petition signed by a number of legal voters of the city equal to twenty-five per cent (25%) of the votes cast in the city at the last preceding general election, receive the petition, and [at the next regular term after that] make an order in his book directing an election to be held in the city at the next regular election, and not earlier than sixty (60) days nor later than ninety (90) days after the application is lodged with the *county* judge/*executive*. The order shall direct the sheriff or other officer of the county who may be appointed to hold the election, to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city upon the question of whether or not the citizens in the city are in favor of the organization and government of the city under KRS 89.300 to 89.380. The question to be submitted to the voters shall be: "Are you in favor of the organization and government of the city of .... under the commission form of government"?

(2) The county clerk shall give to the sheriff of the county, or to such officer as may be appointed to hold the election, a certified copy of the order of the county *judge/executive* [court] as it appears on the order book within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and also shall advertise the same by printed or written handbills, posted in conspicuous places in the city, for the same length of time that publication is required. The sheriff or other such officer shall have the advertisement and notices posted as required by this section within seven (7) days after he receives the order of the county *judge/executive* [court].

(3) If a majority of the legal votes cast at the election were given for or against the proposition submitted, the canvassing board shall certify that fact. The certificate shall be delivered to the county clerk and a copy of the certificate shall be delivered to the clerk of the city, and [at the next regular term of the county court] the county judge/executive shall *within three (3) days* cause the certificate to be spread on the order book of the *county judge/executive* [court]. The entry of the certificate in the order book, or copy of it shall be prima facie evidence of the facts contained in it.

(4) When a majority of the votes cast are in favor of organizing and governing the city under KRS 89.300 to 89.380, that fact is certified, as provided in subsection (3), by the canvassing board of the county to the county clerk, a copy of the certificate is certified to the city clerk, and a copy of the certificate is spread upon the records of the county, and of the city at the next regular meeting of the city legislative body, the city shall be organized and governed by KRS 89.300 to 89.380.

Section 213. KRS 89.410 is amended to read as follows:

(1) The sense of the voters of the city shall be taken on the question of organizing and being governed under the city manager form of government, upon application to the county judge/executive of the county in which the city is situated by written petition signed by a number of legal voters of the city equal to twenty percent of the votes cast in the city at the last preceding election for mayor. The county judge/executive shall receive the petition, and [at the next regular term thereafter] make an order on his order book directing an election to be held in the city at the next regular election that is held not earlier than sixty days after the application is lodged with the *county* judge/*executive*. The order shall direct the sheriff or other officer of the county who may be appointed to hold the election to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city on the question as to whether or not they are in favor of the organization and government of the city under the city manager form of government.

(2) The question to be submitted to the voters shall be: "Are you in favor of the organization and government of the city of .... under the city manager form of government?"

(3) The county clerk shall give to the sheriff of the county, or to such officer as may be appointed to hold the election, a certified copy of the order of the county *judge/executive* [court] as it appears on the order book, within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and shall also advertise the order by handbills, posted in at least three (3) places in the city for the same length of time that publication is required.

(4) The canvassing board shall certify the result of the election to the *county* clerk [of the county court] and to the clerk or recorder of the city. [At the next regular term of court] The county judge/executive shall *within three (3) days* cause the certificate to be spread on the order book of the *county judge/executive* [court]. The entry of the certificate in the order book, or a copy thereof, shall be prima facie evidence of the facts therein contained.

(5) If a majority of the votes cast is in favor of organizing and governing the city under the city manager form of government, the certificate of the canvassing board delivered to the city clerk or recorder shall be spread upon the records of the city at the next regular meeting of the city legislative body, and thereafter the city shall be organized and governed under the provisions of KRS 89.420 to 89.680.

Section 214. KRS 89.680 is amended to read as follows:

(1) Whenever the citizens of any city that has been organized and governed under the city manager form of government for a period of not less than four (4) years desire that the organization and government of the city under the city manager form of government shall terminate, they shall file with the county judge/executive of the county in which the city is located written petitions signed by a number of the legal voters of the city equal to twenty-five per cent (25%) of the votes cast in the city at the last preceding general election. The county judge/executive shall receive the petitions, and [at the next regular term thereafter] make an order on his order book directing an election to be held in the city at the next regular election that will be held not earlier than sixty (60) days after the application is lodged with the *county* judge/*executive*, except that the election shall not be held at the same election at which commissioners are elected. The order shall direct the sheriff or other officer of the county who is appointed to hold the election to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city upon the question as to whether or not they are in favor of the abandonment of the city manager form of government. The question to be submitted to the voters of a city of the first, second or fourth class shall be: "Shall the city of .... abandon the city manager form of government?" The same question shall be submitted to the voters of a city of the third class, unless the petition filed with the county judge/executive prays that the city manager form of government be abandoned and the commission form of government adopted, in which case the question shall be: "Shall the city of .... abandon the city manager form of government and be organized and governed under the commission form of government?"

(2) The county clerk shall give to the sheriff or other officer appointed to hold the election a certified copy of the order of the county *judge/executive* [court] as it appears on the order book, within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and shall advertise the order by handbills posted in conspicuous places in the city for the same length of time that publication is required. The sheriff or other officer shall have the advertisements published and notices posted within seven (7) days after he receives the orders of the county *judge/executive* [court].

(3) The canvassing board shall certify the result of the election to the *county* clerk [of the county court] and to the clerk of the city, and [at the next regular term of court] The county judge/executive shall *within*

three (3) days cause the certificate to be spread upon the order book of the *county judge/executive* [court]. The entry of the certificate on the order book, or copy thereof, shall be prima facie evidence of the facts therein contained.

(4) If a majority of the votes cast is in favor of the proposition submitted, and the certificate of the canvassing board has been spread upon the order book of the county *judge/executive* [court], the certificate delivered to the city clerk shall be spread upon the records of the city at the next regular meeting of the board of commissioners, and the city shall, upon the expiration of the terms of the commissioners then in office, cease to be governed by the city manager form of government, and shall thereafter be governed by the general laws applicable to that class of city, unless the vote, in the case of a city of the third class, was in favor of adopting the commission form of government, in which case the city shall thereafter be governed by the laws relating to commission form of government in cities of the third class.

Section 215. KRS 91.505 is amended to read as follows:

No action shall be maintained against the city by any mortgage or other real estate lienholder to enforce the provisions of any such mortgage or real estate lien held upon any property purchased by the city at a tax sale, unless notice has been given to the mayor, city clerk or clerk of the board of aldermen, in the manner provided for the service of notice in actions in the Rules of Civil Procedure. This notice shall be filed within 90 days from the date of the sale advertised and held, pursuant to the provisions of KRS 91.480, and shall state the date of the mortgage or other real estate lien, the property described, the book and page in which it is recorded in the county [court] clerk's office.

Section 216. KRS 92.403 is amended to read as follows:

(1) In all cities of the second class, whether operating under the councilmanic form of government, or under the commission or city manager form of government, an annual audit of all the accounts of all city officers and of officers of municipally owned utilities, shall be made at the termination of each fiscal year. The legislative body of the city and the officers of the municipally owned utilities shall select, to make the audits, qualified public accountants who have no personal interest in the financial affairs of the city or of any of its officers or employes, and shall cause a summary of each audit to be published pursuant to KRS chapter 424. The summary of each audit shall contain a balance sheet, profit and loss statement, and shall show the bonded indebtedness and any discrepancy disclosed by the audit. A copy of the audit of each officer or agency shall be kept on file in the respective offices. Within one (1) week after publication of the audit, a complete copy of each audit shall be filed in the office of the county [court] clerk. The legislative body may at any time provide for an examination or audit of the accounts of any officer or department of the city.

(2) Compliance with the provisions of this section and KRS 92.405 shall be in lieu of the requirements of KRS 424.220.

Section 217. KRS 92.637 is amended to read as follows:

Each city of the fifth and sixth class located in a county containing a city of the first class shall:

(1) File with the county clerk a map showing its public ways and its boundaries, and whenever property is annexed or deannexed, it shall forthwith file amended plats showing its boundaries as changed.

(2) File annually with the county clerk at sometime between ninety (90) and one hundred and twenty (120) days after taxes become due and payable a statement showing:

(a) The date taxes become due and payable;

(b) A list of all unpaid taxes showing the taxpayers' name, the property address and the amount of the tax including penalties and interest, if any. The list shall be cumulative and each year shall show all delinquent taxes not barred;

(c) The name, address and telephone number of its tax collector and the hours within which he can ordinarily be contacted by telephone. Whenever a tax collector is changed, such information concerning the new collector shall be forthwith furnished the county clerk.

(3) The *county* clerk [of the county court] shall file, record and index only in the name of the cities all maps, plats and annual statements required hereby and the clerk shall be entitled to a fee of $4.50 for filing and indexing such maps and plats and $2.50 for filing and indexing such annual statements as are required hereby. There shall be no state tax on such recordings.

Section 218. KRS 94.283 is amended to read as follows:

(1) Before any city may acquire, maintain or operate any such garbage disposal system, the legislative body of the city shall pass an ordinance declaring it desirable that this be done, and shall prepare an estimate of the probable cost of the system. If revenue bonds are to be issued to pay the cost the ordinances shall so provide. An election shall be had on the adoption of the ordinance if a number of legal voters of the city equal to twenty-five per cent (25%) of the total number of votes cast in the city at the last regular election file a petition within ten (10) days after the ordinance is passed asking that the question of approval of the

ordinance be submitted to a vote of the people. If the petition is filed the election shall be held at the next regular election held in the city. If no petition is filed, the city may proceed immediately with the acquisition of a garbage disposal system.

(2) If an election is petitioned for, the presiding officer of the city shall certify the ordinance to the county [court] clerk, who shall cause to be printed on the ballots for use in the city the question: "Are you in favor of acquiring, maintaining and operating a garbage disposal system in accordance with the estimate of cost adopted by the ....(here insert name of city) and the issuance of revenue bonds in the amount of $....(here insert total face amount of bonds estimated by the legislative body of the city to be necessary to pay the cost of the system, based upon the estimate of cost)." Opposite the question shall be printed "Yes" and "No," with the proper squares for stamping. The presiding officer of the city shall advertise the election and its object by publication pursuant to KRS chapter 424. All legal voters of the city may vote at the election.

(3) If an election is held, the city shall not acquire, maintain or operate the system or issue revenue bonds unless a majority of all the qualified voters voting on the question vote in favor thereof.

(4) Before revenue bonds are issued the legislative body of the city shall select the location of the system, prepare the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land, right of ways, constructions, franchises and easements necessary for the construction of the system.

Section 219. KRS 94.314 is amended to read as follows:

Each improvement tax, together with the interest thereon, shall constitute a lien on the lot or parcel of benefited property against which it is assessed. The lien shall attach to each lot or parcel of benefited property as the same is described by the owner's deed of record in the county [court] clerk's office at the time of the adoption of the resolution required by subsection (2) of KRS 94.292 and shall take effect upon the publication of the ordinance of apportionment and levy provided for in KRS 94.309, and thereupon shall take precedence over all other liens, whether created prior or subsequent to the publication of the ordinance, except state and county taxes, general municipal taxes and prior improvement taxes, and shall not be defeated or postponed by any private or judicial sale, by any mortgage or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the city legislative body shall exempt any property from the lien for the improvement tax, or the payment of the tax, after the work has been done and accepted. The city legislative body or the courts in which suits are pending shall make all corrections, rules and orders to do justice to all parties concerned.

Section 220. KRS 96.183 is amended to read as follows:

The governing body of the municipality may terminate the operation and management of the electric and water plant by the board under the provisions of KRS 96.171 to 96.188 only by first complying with the following provisions, to wit:

(1) The governing body of the municipality, upon the adoption of an ordinance declaring the desire of the municipality to terminate the operation of the electric and water plant by the board under the provisions of KRS 96.171 to 96.188, may direct that such question be submitted to an election of the qualified voters of the municipality. The mayor shall certify such ordinance to the *county* clerk [of the county court], who shall, of the ballots provided for use in the general November election in the municipality (if however there is no municipal election a separate ballot shall be provided), have printed thereon the question: "Are you in favor of the termination of the operation and management of the electric and water system of the city by the Electric and Water Plant Board?" Opposite the question, the words "Yes" and "No", with proper squares for stamping the cross mark to indicate preference, shall appear.

(2) The mayor of such municipality shall advertise such election and the object thereof by publication pursuant to KRS chapter 424, and also by printed handbills posted in not less than four (4) conspicuous places in each voting precinct in the city and at the courthouse door. All legal voters of such city shall be privileged to vote at such election.

(3) If two thirds (2/3) of all the qualified voters of the municipality voting in said general election on the question shall vote in the affirmative, the governing body of the municipality may adopt an ordinance rescinding its election to operate under the provisions of KRS 96.171 to 96.188, and the board, on the first day of the month following the passage and approval of such ordinance, shall by resolution transfer the operation of the electric and water plant to the governing body of the municipality.

Section 221. KRS 96.543 is amended to read as follows:

(1) Before any city may acquire, maintain or operate any such artificial gas system, the legislative body of the city shall pass an ordinance declaring it desirable that this be done, and shall prepare an estimate of the probable cost of the system. If revenue bonds are to be issued to pay the cost the ordinance shall so provide. An election shall be had on the adoption of the ordinance if a number of legal voters of the city equal to twenty-five per cent (25%) of the total number of votes cast in the city at the last regular election file a

petition within ten (10) days after the ordinance is passed asking that the question of approval of the ordinance be submitted to a vote of the people. If the petition is filed the election shall be held at the next regular election held in the city. If no petition is filed, the city may proceed immediately with the acquisition of an artificial gas system.

(2) If an election is petitioned for, the presiding officer of the city shall certify the ordinance to the county [court] clerk, who shall cause to be printed on the ballots for use in the city the question: "Are you in favor of acquiring, maintaining and operating an artificial gas system in accordance with the estimate of cost adopted by the .... (here insert name of city) and the issuance of revenue bonds in the amount of $.... (here insert total face amount of bonds estimated by the legislative body of the city to be necessary to pay the cost of the system, based upon the estimate of cost)." Opposite the question shall be printed "Yes" and "No," with the proper squares for stamping. The presiding officer of the city shall advertise the election and its object by publication pursuant to KRS chapter 424. All legal voters of the city may vote at the election.

(3) If an election is held, the city shall not acquire, maintain or operate the system or issue revenue bonds unless a majority of all the qualified voters voting on the question vote in favor thereof.

(4) Before revenue bonds are issued the legislative body of the city shall select the location of the system, prepare the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land, right of ways, constructions, franchises and easements necessary for the construction of the system.

Section 222. KRS 96.640 is amended to read as follows:

(1) Before any municipality shall have authority to (a) construct or cause to be constructed an electric plant, (b) acquire an electric plant by purchase, or (c) institute condemnation proceedings for acquiring by eminent domain an electric plant, or (d) issue revenue bonds for the construction, purchase, or acquisition of an electric plant, the question shall be submitted to the qualified voters of the municipality as hereinafter in this section provided.

(2) Before any municipality shall be authorized or empowered to purchase or establish and thereafter operate an electric plant, or to issue bonds therefor, the legislative body of such municipality shall pass an ordinance declaring it desirable that the municipality shall purchase or construct and operate a municipal electric plant, and if it is proposed to construct such electric plant, the board shall cause an engineer or engineers duly qualified and licensed under the laws of this Commonwealth (a) to prepare the necessary and proper plans and specifications for the construction of the electric plant, (b) select the location therefor, (c) determine the size, type and method of construction thereof, (d) make the necessary estimates of the cost of construction and of the acquisition of the land and rights of way, and (e) a survey of all lands, structures, rights of way, franchises and easements, the acquisition of which is deemed necessary by said engineers and the board for the construction and operation of such municipal electric plant, all of which shall be approved by the board; and, Provided further, That the question of whether or not revenue bonds shall be issued to provide for the payment of the cost thereof shall be submitted to the qualified voters of such municipality at the next regular November election to be held in said municipality. The mayor shall certify such ordinance to the *county* clerk [of the county court], who shall, on the ballots provided for use in the general November election in the municipality (if however there is no municipal election a separate ballot shall be provided) in which it is proposed to construct such electric plant and issue revenue bonds for the payment of the cost thereof, have printed thereon the question: "Are you in favor of the city constructing and operating a municipal electric plant in accordance with the plans and specifications adopted by the Electric Plant Board of .... (here insert name of municipality) and the issuance of revenue bonds in the maximum amount of $.... (here insert maximum total face amount of bonds estimated by the board to be necessary to pay the cost of such plant, based upon the estimate hereinabove provided)." And opposite the question he shall print "Yes" and "No," with the proper squares for stamping the cross mark to indicate preference.

(3) The mayor of such municipality shall advertise such election and the object thereof by publication pursuant to KRS chapter 424, and also by printed handbills posted in not less than four (4) conspicuous places in each voting precinct in the municipality and at the courthouse door. All legal voters of such municipality shall be privileged to vote at such election. The city shall have no authority to construct a municipal electric plant, or to issue revenue bonds unless a majority of all the qualified voters voting in said election on this question vote in favor thereof.

(4) Any contract of a municipality for the purchase of an electric plant shall be conditioned upon the approval of the qualified voters of the municipality at an election held at the time and in the manner provided in subsections (2) and (3) of this section, except that the clerk shall have printed on the official ballots for the election the following: "Are you in favor of the City of .... purchasing from .... (insert the name of owner or owners) an electric plant at the price of $.... (herein insert the amount of the agreed purchase price) and the issuance of revenue bonds in the amount of $.... (herein insert total face amount of bonds required to pay the agreed purchase price)." And opposite the question, he shall print "Yes" and "No," with the proper squares for stamping the cross mark to indicate preference.

(5) Before any municipality shall be authorized or empowered to institute condemnation or eminent domain proceedings to acquire an electric plant, the legislative body of such city shall pass an ordinance declaring it desirable that the municipality shall acquire by condemnation an electric plant, and shall describe in the ordinance the property which it deems necessary to be acquired, and there shall be submitted, in the manner provided in subsections (2) and (3) of this section, to the qualified voters of the municipality at the next regular November election, the following question: "Are you in favor of the City of .... (here insert name of city) acquiring an electric plant by the exercise of the power of eminent domain and the issuance of revenue bonds in an amount sufficient to pay the entire damages and costs of such acquisition." Opposite the question shall be printed "Yes" and "No," with the proper squares for stamping the cross mark to indicate preference.

(6) No municipality or board shall have authority to purchase, construct, or acquire, or to institute condemnation proceedings for acquiring an electric plant, or to issue revenue bonds or other obligations or evidences of indebtedness for the payment of the costs thereof unless a majority of all the qualified voters voting in said election on the question vote in favor thereof. Elections held pursuant to the provisions of KRS 96.550 to 96.900 shall be governed by the laws of this state relative to elections to the extent that such laws are not inconsistent herewith.

Section 223. KRS 96.820 is amended to read as follows:

(1) For the purposes of this section, unless the context requires otherwise:

(a) "Taxing jurisdiction" shall mean each county, each school district, each municipality, and each other special taxing district located within the state.

(b) "State" shall mean the Commonwealth of Kentucky.

(c) "Tax equivalent" shall mean the amount in lieu of taxes computed according to this section which is required to be paid by each board to the state and to each taxing jurisdiction in which the board operates and required by subsection (11) of KRS 96.570 to be included in resale rates.

(d) "Tax year" shall mean the twelve-calendar-month period ending with December 31.

(e) "Current tax rate" shall mean the actual levied ad valorem property tax rate of the state and of each taxing jurisdiction which is applicable to all property of the same class as a board's property subject to taxation for the tax year involved.

(f) "Book value of property" or "book value of property owned by the board" shall mean the sum of

1. The orginal cost (less reasonable depreciation or retirement reserve) of a board's electric plant in service on December 31 of the immediately preceding calendar year located within the state, used and held for use in the transmission, distribution, and generation of electric energy, and

2. The cost of the material and supplies owned by a board on December 31 of the immediately preceding calendar year. For the purpose of this definition, "electric plant in service" shall mean those items included in the "electric plant in service" account prescribed by the federal power commission uniform system of accounts for electric utilities, and "material and supplies" shall mean those items included in the accounts grouped under the heading "material and supplies" in the said system of accounts.

(g) "Adjusted book value of property" or "adjusted book value of property owned by the board" shall mean the book value of property owned by the board excluding manufacturing machinery as interpreted by the department of revenue for franchise tax determination purposes.

(h) The "adjustment factor" shall be 125 per cent for the tax year 1970. For each tax year thereafter, it shall be the duty of the department of revenue to compute the adjustment factor for that tax year as follows: For each 5 percentage points or major fraction thereof by which the adjustment ratio for electric utility property for the immediately preceding tax year exceeded or was less than 116 per cent, 5 percentage points shall be added to or subtracted from 125 per cent. For the purposes of this computation, "adjustment ratio for electric utility property" shall mean the ratio of total assessed value to total property value for all public service corporations distributing electric energy to more than 50,000 retail electric customers within the state. "Total assessed value" shall mean the total actual cash value assigned by the department of revenue for ad valorem property tax purposes to the property of such corporations located within the state (properly adjusted for property under construction). "Total property value" shall mean the sum of

1. The depreciated original cost of the total utility plant in service of such corporations within the state, and

2. The book value of material and supplies of such corporations located within the state, both as derived from published reports of the federal power commission, or in the absence thereof, from information provided to the department of revenue by such corporations.

(i) "Electric operations" shall mean all activities associated with the establishment, development, administration, and operation of any electric system and the supplying of electric energy and associated services to the public, including without limitation the generation, purchase, sale, and resale of electric energy and the purchase, use, and consumption thereof by ultimate consumers.

(2) It shall be the duty of each board, on or before April 29, 1970, and on or before March 31 of each succeeding tax year, to certify to the department of revenue the book value of property owned by the board

and the adjusted book value of property owned by the board and located within the state and within each taxing jurisdiction in which the board operates. A copy of such certification shall also be sent by the board to each such taxing jurisdiction. Said book value of property and adjusted book value of property shall be determined, and the books and records of the board shall be kept in accordance with standard accounting practices, and the books and records of each board shall be subject to inspection by the department of revenue and by representatives of the affected taxing jurisdictions and to adjustment by the department of revenue if found not to comply with the provisions of this sentence. Upon the receipt of the required certification from a board, the department of revenue shall make such inspection and adjustment, hereinabove authorized, as it deems necessary, and no earlier than September 1 of each year the department of revenue shall certify to the board and to the county [court] clerk of each county in which the board operates the book value of property owned by the board and the adjusted book value of property owned by the board, located within each taxing jurisdiction in which the board operates and within the state. At the same time, the department of revenue shall certify to the board and to the said county [court] clerk the adjustment factor for the tax year. The said county [court] clerk shall promptly certify the book value of property, the adjusted book value of property, and the adjustment factor certified by the department of revenue, to the respective taxing jurisdiction in which the board operates.

(3)(a) Each board shall pay for each tax year, beginning with the tax year 1970, to the state and to each taxing jurisdiction in which the board operates, a tax equivalent from the revenues derived from the board's electric operations for that tax year, computed according to this subsection.

(b) The tax equivalent for each tax year payable to the state shall be the total of

1. The book value of the property owned by the board within the state, multiplied by the adjustment factor, multiplied by the current tax rate of the state, plus

2. The state's portion of the amount payable under paragraph (d) of this subsection.

(c) The tax equivalent for each tax year payable to each taxing jurisdiction in which the board operates shall be the total of

1. The adjusted book value of property owned by the board within the taxing jurisdiction, multiplied by the adjustment factor, multiplied by the current tax rate of the taxing jurisdiction, plus

2. The taxing jurisdiction's portion of the amount payable under paragraph (d) of this subsection.

(d) For purposes of this subsection, "amount payable" shall mean four-tenths of one per cent (.4%) of the book value of property owned by the board located within the state. The state shall be paid the same proportion of the amount payable as the payment to the state under subparagraph 1 of paragraph (b) of this subsection represents of the total payments to the state and all taxing jurisdictions in which the board operates required by subparagraph 1 of paragraph (b) and subparagraph 1 of paragraph (c) of this subsection. Each taxing jurisdiction in which the board operates shall be paid the same proportion of the amount payable as the payment to the taxing jurisdiction under subparagraph 1 of paragraph (c) of this subsection represents of the total payments to the state and all taxing jurisdictions in which the board operates required by subparagraph 1 of paragraph (b) and subparagraph 1 of paragraph (c) of this subsection. Under such regulations as the department of revenue may prescribe, upon the board's receipt from the state and taxing jurisdictions of notice of the amount due under subparagraph 1 of paragraph (b) and subparagraph 1 of paragraph (c) of this subsection, the board shall compute the portion of the amount payable which is due the state and each taxing jurisdiction in which the board operates.

(e) Payment of the tax equivalent under this section for each tax year shall be made by each board to the state within thirty (30) days after receipt by the board of the certification from the department of revenue required by subsection (2) of this section and shall be made directly to each taxing jurisdiction in which the board operates within thirty (30) days from the date of the certifications by the county [court] clerk required by subsection (2) of this section. The state and each taxing jurisdiction in which a board operates shall have a superior lien upon the proceeds of the sale of electric energy by that board for the amounts required by this section to be paid to it.

(4) Except as hereinafter provided the tax equivalents computed under this section shall be in lieu of all state, municipal, county, school district, special taxing district, other taxing district, and other state and local taxes or charges on the tangible and intangible property, the income, franchises, rights, and resources of every kind and description of any municipal electric system operating under KRS 96.550 to 96.900 and on the electric operations of any board established pursuant thereto, and the tax equivalent for any tax year computed and payable under this section to the state or to any taxing jurisdiction in which any board operates shall be reduced by the aggregate amount of any tax or charge within the meaning of this sentence which is imposed by the state, or by any taxing jurisdiction in which a board operates, on the board, the electric system, or the board's electric operations. Provided, however, that if any school district in which property of a board is located has elected, or does hereafter elect, to apply the utility gross receipts license tax for schools to all utility services as provided by KRS 160.613 through KRS 160.617, or as may hereafter be provided by other statutes, the amount of such utility gross receipts license tax shall not reduce, or in any manner affect, the amount payable to any such board or boards under the provisions of this section. It is the intent and purpose

of this provision to eliminate all sums received by any such board or boards by reason of the utility gross receipts license tax from any computation of the amount payable under this section to any such board or boards, irrespective of the manner in which such payment is computed, so that, in no event, shall any sum received by any school district by reason of the utility gross receipts license tax reduce, directly or indirectly, the amount payable to such district under this chapter. Provided, further, That if the state shall levy a statewide retail sales or use tax on electric power or energy, collected by retailers of such energy from the vendees or users thereof, and imposed at the same rate or rates as are generally applicable to the sale or use of personal property or services, including natural or artificial gas, fuel oil, and coal as well as electric power or energy, such retail sales or use tax shall not be deemed to be a tax or charge within the meaning of the first sentence of this subsection, and the tax equivalent payable for the tax year to the state under this section shall not be reduced on account of such retail sales or use tax.

(5)(a) Notwithstanding subsection (3) of this section, until the first tax year in which the total of

1. The tax equivalent payable to the state, or to any taxing jurisdiction in which the board operates, computed under subsection (3) of this section, plus

2. The additional amounts permitted to be paid to the state or taxing jurisdiction without deduction under the second and third sentences of subsection (4) of this section, exceeds the minimum payment to the state or taxing jurisdiction specified in paragraph (b) of this subsection, the tax equivalent for each tax year payable to the state or taxing jurisdiction shall be an amount equal to the minimum payment computed under paragraph (b) of this subsection.

(b) For purposes of this subsection, the minimum payment to the state or to any taxing jurisdiction in which the board operates shall mean an amount equal to the total of

1. The largest actual payment made by the board pursuant to KRS 96.820 to the state or to the taxing jurisdiction for any of the tax years 1964, 1965, or 1966, plus

2. The state's or taxing jurisdiction's pro rata share of an amount equal to four-tenths of one per cent (.4%) of the increase since July 1, 1964, in the book value of property owned by the board within the state. For the purposes of this paragraph "pro rata share" shall mean the same proportion of the amount computed under subparagraph 2. of this paragraph as the largest actual payment in lieu of taxes made by the board to the state or taxing jurisdiction for the applicable tax year under subparagraph 1. of this paragraph represents of the total amount of the largest actual payments in lieu of taxes made by the board to the state and to all taxing jurisdictions in which it operated for any of such applicable tax years.

(c) The provisions of paragraph (e) of subsection (3) of this section shall apply to all payments required under this subsection.

(d) This subsection shall not be applicable for the first tax year specified in paragraph (a) of this subsection or for any tax year thereafter.

(6) The general assembly hereby recognizes that a dispute has arisen concerning the validity, terms, and effects of the amendments to KRS 96.820 in the 1968 regular session of the general assembly and that this dispute has resulted in litigation concerning tax equivalents due for the tax years 1968 and 1969.

(7) The general assembly hereby declares its intention that any taxing jurisdiction and any board, whether or not a party to such litigation, may enter into a binding compromise settlement agreement under which the board may pay and the taxing jurisdiction may accept in full discharge of the board's tax equivalent payment obligations for each of the tax years 1968 and 1969 such amount as they may agree upon, not less than the payment made by the board to the taxing jurisdiction for the tax year 1965, and not more than 120 per cent of the largest payment made by the board to the taxing jurisdiction for any one (1) of the tax years 1964, 1965, or 1966. All amounts heretofore paid for the tax years 1968 and 1969 by the respective boards shall be credited against and deducted from the amounts payable under any such agreements.

Section 224. KRS 96.919 is amended to read as follows:

The first ordinance shall be published pursuant to KRS chapter 424. A certified copy of the first ordinance shall be delivered to the county judge/executive or county [court] clerk of each county in which any area affected by the ordinance outside the city may be situated, and the county judge/executive, or county [court] clerk, shall, upon receiving the same, cause it to be posted at the county courthouse door, as in the case of notices of judicial sales of real property.

Section 225. KRS 96A.350 is amended to read as follows:

(1) The elections herein authorized shall, in the case of any individual public body, be called and held by the particular public officials of said public body responsible for the calling and holding of general elections. All ad valorem tax receipts, occupational tax receipts and public transportation sales tax receipts derived in respect of any such elections shall be collected by the public officials of such public body statutorily responsible for such collection, and shall pending disbursement be held in a separate and special trust fund identified as the mass transit trust fund by said public body to be used solely and only for purposes of the mass transportation program approved by the electorate of such public body, as hereinafter provided. Moneys

therefrom shall be disbursed only upon order of the chief financial officer of such public body.

(2) In the event any election authorized by KRS 96A.310 to 96A.370 is, pursuant to the provisions of KRS 96A.310 to 96A.370, to be submitted to the electorate of any transit area of a transit authority by all of the public bodies which are members of any such transit authority, and if one of such public bodies is a county which encompasses one or more additional public bodies, the *county* clerk [of the county court] of such county (or *each county clerk* [the clerk of each county court] in the event more than one county shall be a member of such transit authority) shall cause such election proposition to appear on the ballots or voting machine slips used in respect of the election on such proposition. All ad valorem tax receipts, occupational tax receipts and public transportation sales tax receipts derived in respect of any such elections shall be collected or received by the proper public officials of such county or counties statutorily responsible for such collection or receipt, and shall pending disbursement be held in a separate and special trust fund identified as the mass transit trust fund to be used solely and only for purposes of the mass transportation program approved by the electorate of such transit area, as hereinafter provided. Said mass transit trust fund shall in such case be held in the custody of all public bodies which are members of such transit authority and moneys therefrom shall be disbursed only upon orders of the chief financial officers of all such public bodies.

Section 226. KRS 97.791 is amended to read as follows:

(1) The fiscal courts of the respective counties of the Commonwealth of Kentucky shall have and are hereby given the power, jurisdiction and authority to establish and maintain a division of parks in their respective counties. All of the officers, members and employes of such division of parks shall have and are hereby given jurisdiction and authority coextensive with the whole county for which they are appointed.

(2) The chief administrative officer of any such division of parks shall be designated and known as "Director of Parks of .... County, Kentucky," and there may be such other officers, members and employes of such division of parks as the fiscal court of said county may authorize. The director of parks, hereafter referred to as "director" and all other officers, members and employes, shall be appointed by the county judge/executive of such county, and shall serve at the pleasure of the county judge/executive. The director and all officers, members and employes shall be citizens of the United States of America and shall have been bona fide residents of the county in which they are appointed for not less than one (1) year next before their appointment. None but discreet and sober persons shall be appointed to any position in or under the division of parks.

(3) The county *judge/executive* [court] shall have and is hereby granted the power to make, promulgate and amend rules and regulations for the appointment, promotion, transfer, laying off, suspension, reinstatement, discharge and removal of the director and of all other officers and employes, the number of hours each day, week or month the director and other officers and employes shall be on duty; the hours the park or parks shall be opened and closed to the public; the standardization and classification and duties of all officers, members and employes, into groups, grades and divisions and subdivisions, subject only to the right and duty of the fiscal court of the respective counties to fix the salaries and compensation of the director, officers, members and employes of said division of parks and to provide the proper equipment and to provide also for the maintenance of such park or parks. The county judge/executive may, in his discretion, appoint an advisory committee to advise and consult with the county judge/executive and the fiscal court.

Section 227. KRS 98.013 is amended to read as follows:

(1) On and after July 1, 1952 a city of the first class shall have a lien upon all real estate and rights to real estate belonging to or thereafter acquired by any recipient of general assistance through said city's department of public welfare. The lien shall become effective upon the first payment of assistance to the recipient after June 19, 1952 and shall be cumulative and shall include all amounts paid to the recipient. The lien shall continue until it is satisfied, or becomes unenforceable.

(2) The lien shall not be effectual as against any mortgage, purchaser, or judgment creditor without actual notice until notice thereof has been filed by the director of public welfare of the city in the office of the *county* clerk [of the county court] of the county in which the property is located. Such notice, from the date of the filing thereof, shall constitute notice of all payments of assistance, whether paid prior or subsequent to the date of the filing of the notice. Such notice shall be filed by the director of public welfare in those cases in which it is discovered that the recipient has sufficient real estate to justify the filing of such a notice.

(3) The director of public welfare shall file an adequate notice of the existence of the lien provided for by this section which notice shall not specify the amount of assistance paid but the director of public welfare shall furnish to any authorized person upon proper request the total amount of the lien as of the date of the inquiry.

(4) The *county* clerk [of the county court] shall file, record and index such notices as other liens on real estate are required by law to be filed, recorded and indexed but shall index said lien only in the name of the recipient. The lien shall be designated "City's Lien."

(5) The clerk shall be entitled to a fee of one dollar ($1.00) for filing and indexing the lien. The department of public welfare of the city shall pay the fee but the fee shall become a part of the lien as an added cost to the recipient to be recovered at the time a lien is satisfied.

(6) The lien shall not be enforceable while the real estate is occupied by the surviving spouse or until she remarries, or is occupied by a dependent child, provided, no other action is brought to settle the estate.

(7) In any case in which it appears that it would be to the best interest of the recipient to sell his real estate and reinvest the proceeds in other real estate, the department of public welfare of the city may grant permission and waive the lien to the extent necessary for the purpose of effecting the transfer but such lien shall attach to the reinvested property.

(8) Any claim under KRS 98.011 to 98.014 may be precipitated and the lien provided by this section may be enforceable during the lifetime of any person who has received general assistance in order to recover any amount obtained as a result of such person knowingly making a false statement or representation or knowingly failing to disclose a fact to procure, increase, or continue any material benefit for himself.

Section 228. KRS 100.127 is amended to read as follows:

(1) All agreements for joint or regional planning units shall be in writing, and shall describe the boundaries of the area involved, and shall contain all details which are necessary for the establishment and administration of the planning unit in regard to planning commission organization, preparation of plans, and aids to plan implementation. Approval of the agreement shall be by regulation and the agreement shall be executed by the parties to the agreement, and filed in the office of the *county* clerk [of the county court] of all counties which are parties to the agreement or which contain a city which is a party to the agreement. The *county* clerk [of the county court] may charge a fee of two and one-half dollars for the filing of the agreement. Combination under this subsection shall be permitted notwithstanding the fact that the governmental units are also involved in area planning under KRS 147.610-147.990. Combined planning operations shall be jointly financed, and the agreement shall state the method of proration of financial support.

(2) Agreements for planning units shall be in existence as long as at least two of the original signators are operating under the combination despite the fact that other signators have withdrawn from the unit. In addition, any enlargement of a unit may be accomplished under the existing agreement by filing a copy of the agreement in the office of the *county* clerk [of the county court] of all member counties along with a statement as to when it was admitted to the unit. The clerk may charge a fee of two and one-half dollars for the filing.

(3) If the planning unit, or any part thereof, has adopted regulations for historical districts under KRS 100.201 and 100.203, the planning agreement may provide for the creation of a three or five member board to advise the zoning administrator regarding issuance of permits in such districts, the board being guided by the standards and restrictions of the community's comprehensive plan and by the historical district regulations adopted by the planning unit.

Section 229. KRS 100.167 is amended to read as follows:

The planning commission shall adopt bylaws for the transaction of business, and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualifies from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the commission or board, as applicable. If the commission has no office, such records shall be filed in the office of the county [court] clerk. A transcript of the entire proceedings of a planning commission shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

Section 230. KRS 100.283 is amended to read as follows:

After the approval of a subdivision plat by the planning commission, it shall be recorded at the expense of the subdivider in the office of the county [court] clerk.

Section 231. KRS 100.344 is amended to read as follows:

All final plats approved by the planning commission and all variances and conditional use permits approved by the board of adjustments shall be recorded at the expense of the applicant in the office of the county [court] clerk. A copy of all regulations and the official maps of each planning unit shall be filed in the office of the county [court] clerk.

Section 232. KRS 104.550 is amended to read as follows:

If no suit is filed against the commissioner under KRS 104.540, or if suit is filed and final judgment in the circuit court or on appeal is in favor of the commissioner, the commissioner shall forthwith declare the district organized into a flood control district and give it a corporate name as provided in KRS 104.490, by which in all proceedings it shall thereafter be known. The commissioner shall certify his act to the county [court] clerk of each county in which any part of the district is located, and to the secretary of state, each of whom shall record the certificate as articles of incorporation. The commissioner shall also certify his act to the county judge/executive of each county in which any part of the district is located. The district shall then be a political subdivision and shall have perpetual existence, with power to sue and be sued, contract and be contracted with, incur liabilities and obligations, exercise the right of eminent domain, assess, tax, issue bonds, and do and perform all acts expressly authorized in KRS 104.450 to 104.680 and all acts necessary and proper for the carrying out of the purpose for which the district was created, and for executing the powers with which it is invested.

Section 233. KRS 104.570 is amended to read as follows:

The commissioner shall designate in the certificate the place where the office of the district shall be located, which shall be within the corporate limits of the district if practicable. The place may be changed by the board of directors of the district from time to time, by the certification of the change to the county [court] clerk of each county in which the district is located and the notation thereof on the records of the clerk. The records of the district shall have "Flood Control District Records" printed, stamped or written thereon. They shall be kept at the office and shall be open to inspection as are the records of the fiscal court.

Section 234. KRS 104.590 is amended to read as follows:

(1) Each director, before entering upon his official duties, shall take and subscribe to an oath that he will honestly, faithfully and impartially perform the duties of his office, and that he will not be interested in any contract let for the purpose of carrying out any of the provisions of KRS 104.450 to 104.680. The oath shall be filed with the clerk of the county [court] of the county represented by the director or of the county in which is located the city represented by the director.

(2) Each director shall give a good and sufficient bond, to be approved by the officer appointing him, for the faithful and honest performance of his duties and as security for all moneys coming into his hands or under his control. The cost of the bond shall be paid by the district.

Section 235. KRS 104.670 is amended to read as follows:

The board of directors, as soon as duly appointed and qualified, may levy an annual tax of not more than fifteen cents (15¢) upon each one hundred dollars ($100) of assessed valuation of property within the district. This tax shall be certified to the county clerks of the various counties and by them to the respective treasurers of their counties. The tax shall be based upon the last preceding assessment for state and county purposes, its collection shall conform to the collection of taxes for counties, and it shall constitute a lien against the property subordinate only to state, county and city ad valorem taxes, and the same provisions concerning the collection of delinquent taxes for counties shall apply. The tax shall be added by the county clerk, as a separate item, to the next state and county tax bill following the levy of the tax by the board of directors, and shall be collected concurrently with the state and county taxes. Neither the property valuation administrator nor the county [court] clerk shall be entitled to any additional compensation for services rendered in connection with the listing of property for taxation nor shall the sheriff receive any additional compensation for the collection of the tax.

Section 236. KRS 107.085 is amended to read as follows:

In the event the owner or owners of all property or properties which will be subject to assessment for an improvement proposed to be undertaken shall tender to the city their written request or requests, that the improvement be undertaken and financed according to KRS 107.010 to 107.220, and shall waive the formalities of the "First Ordinance," the holding of a public hearing, the "Second Ordinance," and the provisions of KRS 107.060, permitting litigation; the governing body may, in its discretion, dispense with all of said proceedings and formalities, and may proceed as provided in KRS 107.090 with reference to the "Third Ordinance"; but in all such instances, the written requests of the owners of all properties which will be subject to assessment shall be in recordable form and shall be recorded in the office of the *county* clerk [of the county court] of the county wherein the respective properties may be situated, and said clerk is authorized to record such instruments as in the case of mortgages, and may charge and receive fees therefor as in the case of mortgages. Each ordinance by which an improvement is undertaken according to this section shall contain a recitation of the receiving of written requests and waivers from the owners of all properties which will be subject to assessment for each such improvement. In such instances the lien for which provision is made in KRS 107.160 shall attach upon publication of the ordinance (equivalent to the "Third Ordinance") which authorizes issuance of the improvement assessment bonds.

Section 237. KRS 107.160 is amended to read as follows:

Each annual improvement assessment, including an initial levy payable on a lump sum or cash basis, with any penalty or interest incident to the nonpayment thereof, shall constitute a lien upon the lot or parcel of benefited property against which it is assessed. The lien shall attach to each lot or parcel of benefited property as the same is described by the owner's deed of record in the county [court] clerk's office at the time of the publication of the first ordinance, as herein provided, and thereupon shall take precedence over all other liens, whether created prior to or subsequent to the publication of said ordinance, except state and county taxes, general municipal taxes, and prior improvement taxes and shall not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the governing body shall exempt any benefited property from the lien for the improvement assessment, or from the payment thereof, or from the penalties or interest thereon, as herein provided. No error in the proceedings of the governing body shall exempt any property from liability for payment of any annual improvement assessment, or for any interest or penalty incident to nonpayment thereof. The city's governing body, or any court of competent jurisdiction, shall have power to make such rules and orders as may be required to do justice to all parties.

Section 238. KRS 107.320 is amended to read as follows:

The county *judge/executive* [court] of any county containing a first or second class city, may establish a community improvement district in said county for the purpose of erecting buildings and related facilities for any governmental unit, or combination of governmental units, in the county. Any community improvement district so created shall include all of the territory in the county, including the area of incorporated cities, and shall be designated the "County Community Improvement District" (hereinafter called the "district"). The district shall constitute a public body corporate, with perpetual succession and power in its name to contract and be contracted with, sue and be sued, adopt bylaws, have and use a corporate seal, and exercise all of the powers granted to public nonprofit corporations generally by KRS Chapter 273, except such powers as may be inconsistent with specific provisions of KRS 107.310 to 107.500.

Section 239. KRS 107.360 is amended to read as follows:

(1) Prior to or concurrently with the adoption by the board of a resolution requesting the fiscal court to levy an ad valorem tax, the board shall have determined the nature and approximate cost of the project or projects to be financed through the issuance of bonds (whether revenue or general obligation bonds) to be retired through the levy of the tax. In determining the nature of a project the board may include more than one improvement item in a single project. The resolution designating the project or projects and the estimated and approximate cost of each, shall be forwarded to the fiscal court, which shall thereafter, on behalf of the district, cause said resolution to be published in the newspaper of bona fide circulation as provided in KRS 424.130. Thereafter the fiscal court shall cause to be prepared a question for submission to the voters of the district at the next regularly scheduled November election as to whether or not the project, or any one or more projects if there be more than one, shall be disapproved. The question shall be so framed that any voter who wishes to vote for the project, or for any project designated as a single project if there be more than one project, may signify his approval by voting "yes", and any voter who wishes to vote against any project so designated may do so by voting "no" on the question of that project. If a majority of those voting on the question of any project shall approve the particular project, that project shall be adopted, and the board shall proceed to initiate issuance of the authorized bonds as provided in KRS 107.310 to 107.500. The *county* clerk [of the county court] shall cause such question to appear on the ballots or voting machine slips used, and the election results shall be canvassed and certified by the county board of election commissioners.

(2) If the project is approved as herein provided, the tax necessary to finance the approved project shall be computed by the board and transmitted to the fiscal court, which shall levy the tax as provided in KRS 107.350. Nothing in KRS 107.310 to 107.500 shall be deemed to require the fiscal court to levy a tax in any year unless general obligation bonds have been issued as provided in KRS 107.460, and then only to the extent of requirements for amortization of such bonds.

Section 240. KRS 108.050 is amended to read as follows:

(1) The question of the establishment of an urban services district shall be submitted to the voters of the district if a petition bearing the signatures of the number of registered voters of the area to be embraced within the district equal to at least ten per cent (10%) of the vote cast for county judge/executive in that district at the last election is filed with the county *judge/executive* [court]. After June 18, 1964, the county *judge/executive* [court] shall not receive or consider a petition for the creation of a district which would contain less than ten (10) square miles of area. The election on creation of the district shall be held at the next regular election if the petition is filed at least ninety (90) days prior to the date for the regular election. The petition shall state that establishment of the district is being sought pursuant to this chapter, shall state the official name by which the district shall be known, and shall prescribe the territory intended to be included in the district.

(2) If the county *judge/executive* [court] finds the petition is in proper order and the creation of the district will be in accordance with this chapter, a certified copy of the order of the county *judge/executive*

[court] directing that the question be submitted to a vote shall be filed with the county [court] clerk at least forty-five (45) days prior to the next regular election. The county [court] clerk shall give notice of the petition by publication pursuant to KRS chapter 424. The county [court] clerk shall cause the question to be submitted to a vote at the election. The question shall be in the following form: "Are you in favor of establishing .... (name of district) as an urban services district"? If a majority of those voting on the question vote in the affirmative, the district shall be established. The cost of the election shall be paid by the fiscal court.

(3) The governor shall, immediately upon certification that the district has been established, appoint five (5) qualified persons as members of the council.

Section 241. KRS 108.070 is amended to read as follows:

(1) The area of a city or of another district may be added to the area of an urban services district by an agreement between the district council and the legislative body of the city or governing board of another district. Territory in an unincorporated area may be added to the urban services district upon approval by the council and the county *judge/executive* [court] when a petition signed by fifty-one per cent (51%) of the registered voters of that territory is filed *with the county judge/executive* [in the county court].

(2) An urban services district may include territory in two or more counties. In the organization, conduct of elections and expansion of such districts, the county *judge/executive* [court] and the county [court] clerk of each county shall perform the duties provided for by this chapter in relationship to the territory and voters of the district within that county.

Section 242. KRS 108.100 is amended to read as follows:

Districts shall be organized in the following manner:

(1) Upon the filing of a certified petition of one hundred (100) or more qualified voters in each county to be included within the territorial limits of the proposed district or upon the determination of each fiscal court in the proposed district that the establishment of a district is in the best interests of the inhabitants of the county, the fiscal court of each county in the proposed district shall adopt a resolution submitting to the qualified voters of the county the question as to whether an emergency ambulance service district should be established for the area and a special ad valorem tax imposed for the maintenance and operation of the district, not to exceed ten cents (10¢) on each one hundred dollars ($100) of the assessed valuation of all property in the district. A certified copy of the resolution of the fiscal court shall be filed with the county [court] clerk at least sixty (60) days prior to the next regular election and thereupon the clerk shall cause the question to be placed on the ballot.

(2) The question shall be in substantially the following form: "Are you in favor of establishing an emergency ambulance service district for (insert names of counties) which shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars ($100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) emergency ambulance service district?"

(3) If a majority of those voting in each county on the question favor the establishment of an emergency ambulance service district it shall be so established and shall constitute and be a taxing district within the meaning of Section 157 of the constitution of Kentucky. The cost of the election shall be paid by the fiscal court.

(4) All special ad valorem taxes authorized by KRS 108.080 to 108.180 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board of directors as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes. The sheriff shall be entitled to a fee of one per cent (1%) of the amount of the tax collected by him.

Section 243. KRS 108.160 is amended to read as follows:

Single county districts may be dissolved in the following manner:

(1) Upon the filing of a certified petition of one hundred (100) or more qualified voters in the district or upon the determination of the fiscal court that the abolishment of the district is in the best interest of the inhabitants of the county, the fiscal court shall adopt a resolution submitting to the qualified voters of the county as to whether the district should be dissolved and the imposition of the special ad valorem tax discontinued. A certified copy of the resolution of the fiscal court shall be filed with the county [court] clerk at least sixty (60) days prior to the next regular election and thereupon the clerk shall cause the question to be placed on the ballot.

(2) The question on the ballot shall be in substantially the following form: "Are you in favor of dissolving the emergency ambulance service district for (insert name of county) and discontinuing the special ad valorem tax that is imposed for the maintenance and operation of the district?"

(3) If a majority of those voting on the question favor dissolving the district and discontinuing the imposition of the special ad valorem tax the county [court] clerk shall remove the levy of the special ad

valorem tax from the tax bills of the property owners of the district and the district shall be dissolved by order of the fiscal court.

(4) A resolution for the dissolution of the district shall not be considered to have any legal effect if contractual obligations assumed prior to the time of the passage of the resolution by the board have not been met.

Section 244. KRS 108A.020 is amended to read as follows:

Organization of a new community district shall be commenced by petition of a nonprofit membership corporation filed *with the county judge/executive* [in the county court] of a county in which the territory is located. If the district includes territory in two (2) or more counties, the county *judge/executive* [court] and county clerk of each county shall perform the functions set forth in this chapter for their respective counties. The petitioning nonprofit corporation shall have the following characteristics:

(1) All adults who are residents, or become residents, of the territory included in the district shall be eligible for membership in the corporation.

(2) The income and assets of the corporation shall be used for the development of the area within the district and such other purposes as are incidental to the development.

Section 245. KRS 108A.030 is amended to read as follows:

No petition for a new community district shall be considered by the county *judge/executive* [court] unless:

(1) The petition contains the name and address of each landowner within the territory of the proposed district and the petitioner has control, by deed, contract or option, of 75 per cent of the land to be included in the district.

(2) The district would contain at least one thousand (1000) acres of contiguous territory.

(3) The petition contains a description of the proposed territory and is accompanied by a map of the area and a statement of the criteria for a development plan.

(4) The petition states the number of commissioners to be appointed by the governor as the initial board of commissioners and the term for which each shall serve.

Section 246. KRS 108A.050 is amended to read as follows:

On the date set by the county clerk the county *judge/executive* [court] shall examine the petition and the qualifications of the petitioner and shall hear any objections from the fiscal court or the board of education of any county containing any portion of the proposed district. If the *county judge/executive* [court] finds that the petition is in order, and that there is no objection by any fiscal court, the county *judge/executive* [court] shall enter an order establishing a new community district. If a board of education of any county containing any portion of the proposed district objects to the petition, the new community district shall have no power or authority to establish an independent school district as provided in KRS 108A.110 and this restriction shall be stated in the order establishing the new community district. The county *judge/executive* [court] shall send the governor a certified copy of its order establishing a new community district.

Section 247. KRS 108A.120 is amended to read as follows:

Additional territory may be added to a new community district in the following manner:

(1) Territory in an unincorporated area shall be added to a new community district upon approval of the board of commissioners of the district and the county *judge/executive* [court] in which any portion of the additional territory is located when a petition signed by 51 per cent of the registered voters in the territory is filed *with the county judge/executive* in the county [court] in which the greater portion of said territory is located.

(2) Territory of an incorporated city or other district may be added to a new community district by agreement between the legislative body of the city or governing board of the district and the board of commissioners of the new community district.

Section 248. KRS 109.095 is amended to read as follows:

(1) At any time after the organization of a district more than 50 per cent of the freeholders within the district and a majority of the directors of the district may file a petition with the county *judge/executive* [court] which had jurisdiction over the organization of the district requesting discontinuance of the district. The petition shall state the reasons for discontinuance and that all obligations of the district have been met.

(2) After giving notice as provided in KRS chapter 424, the county *judge/executive* [court] may conduct such hearings on the petition as may be necessary to assist in making a determination.

(3) If, after hearings on the petition for discontinuance of the district, the county *judge/executive* [court] determines that a discontinuance is in the best interest of the residents of the district, the garbage district shall be dissolved by order of the county *judge/executive* [court].

Section 249. KRS 117.275 is amended to read as follows:

(1) At the count of the votes in any such precinct, any candidate and any representatives to witness and check the count of the votes therein, who are hereby authorized to be appointed as is provided in subsection (6) of this section, shall be admitted and be permitted to be present and witness the count.

(2) As soon as the polls are closed, and the last voter has voted, the judges shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation, and they shall then sign a certificate stating:

(a) That the machine has been locked against voting and sealed;

(b) The number of voters, as shown on the public counters;

(c) The number registered on the protective or accumulative counter or device, if any; and

(d) The number or other designation of the voting machine, which certificate shall be returned by the judges of election to the officials authorized by law to receive the same. The judges shall then compare the number of voters, as shown by the counter of the machine, with the number of those who have voted as shown by the protective or accumulative counter or device.

(3) The judges, in the presence of the representatives mentioned in subsection (1), if any, and of all other persons who may be lawfully within the polling place, shall then make visible the registering counters, and, for that purpose, shall unlock and open the doors, or other covering concealing the same, giving full view of all the counter numbers. The judges shall, under the scrutiny of such representatives, and in the order of the offices as their titles are arranged on the machine, read and announce, in distinct tones, the results as shown by the counter numbers for each candidate and for and against each question voted on. The counters shall not be read consecutively along the party rows or columns, but shall always be read along the office columns or rows, completing the canvass for each office or question before proceeding to the next. The vote as registered shall be entered by the judges, in ink, on quadruplicate return sheets, and also on a general return sheet and statement, all of which, after the canvass is completed, shall be signed by the judges. The total vote cast for each candidate, and for and against each question, and the votes written in, shall then be entered on the general and quadruplicate return sheets and statement. There shall also be entered on the general return sheet and statement the number of voters who have voted, as shown by the lists of voters, and the number who have voted on each machine, as shown by the public counters, and also the number registered on the protective or accumulative counter or device on each machine immediately after the closing thereof and sealing of the machine. The number or other designation of each machine used shall also be entered thereon. In the case of primary elections, quadruplicate return sheets shall remain exposed to view until the said returns and all other reports have been fully completed.

(4) The proclamation of the result of the votes cast shall be announced distinctly and audibly by one of the judges of election, who shall read the name of the vote cast for each candidate and the vote for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the judges, after which the doors or other cover of the voting machine shall be closed and locked and the return sheet shall be signed by each of the judges of election. If any judge shall decline to sign such return, he shall state his reason therefor in writing, and a copy thereof, signed by him, shall be enclosed with such return. Each of the return sheets shall be enclosed in an envelope, which shall be securely sealed, and each of the judges shall write his name across the fold of the envelope. One (1) of the quadruplicate return sheets, along with the general return sheet and precinct list, shall be directed to the county board of elections of the county in which the election is being held, one (1) to the county clerk of the county in which the election is being held and one (1) to the local governing body of each of the two (2) dominant political parties. Said envelope shall have endorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective or accumulative counter or device at the close of the polls. Following the tabulation of all votes cast in the election, including absentee votes, the county board shall immediately mail the tabulation result, the general return sheets and the precinct lists from each precinct to the state board of elections.

(5) As soon as possible after the completion of the count, the election officers shall return to the county board of elections the keys to the voting machine received and receipted for by them, and the *county* clerk [of the county court] in which the precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.

(6) In primary elections, each candidate or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, independent candidate or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall authorize representatives of the news media to observe the taking of the tally of votes from the voting machine in each precinct in each primary, regular or special election.

(7) If supplemental paper ballots have been approved, as provided in KRS 118.215, after the polls are closed, the precinct election officials shall stamp "Unused" on all supplemental paper ballots not used. The election officers shall string all used ballots' stubs upon a string provided for that purpose, and the stubs shall be placed in an envelope. The two precinct judges shall return to the county clerk's office the locked ballot box, all ballot stubs, spoiled ballots and unused ballots at the same time as the tabulation of votes from the voting machine is delivered. The county clerk shall issue a receipt for the number of ballot stubs, unused ballots, spoiled ballots and the ballot box. The county board of elections, or its designee, shall count and tally the paper ballots manually or with the use of tabulating equipment which does not involve an additional voting system. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the secretary of state. The county board of elections shall authorize the candidates or their representatives and representatives of the news media to be present during the counting of the paper ballots. The county clerk shall retain the paper ballots for sixty days, after which time they shall be burned by the county board of elections if no contest or recount action has been filed.

Section 250. KRS 117.305 is amended to read as follows:

The canvass and returns provided for in KRS 117.275 shall constitute the official returns of the precinct, unless within ninety-six (96) hours after the close of the polls a candidate shall in writing request the county board of elections to check and recanvass the voting machines of any precinct or any number of precincts. When such a request has been made the election commission shall immediately assemble and recheck and recanvass each machine and make a proper return thereof to the county [court] clerk, in which event the canvass and return shall become the official returns for the election. In making the recanvass the board shall make a record of the number of the seal upon the voting machine and without unlocking the machine against voting, recanvass the vote cast thereon. If, upon a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, the board with the assistance of the county clerk, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause, if any, of the discrepancy in returns of the machine. Each registering counter shall be reset at zero before it is tested, after which it shall be operated at least one hundred (100) times. After the completion of the examination and test, the county clerk shall then and there prepare a statement, in writing, giving in detail the result of the examination and test and statement which shall be witnessed by the persons present, and shall be filed with the board. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly, except that there shall be no change in the vote of any candidate from that originally certified unless such candidate was actually notified. At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present either in person or by a representative or both. The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast on the voting machine in each precinct. Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS chapter 120.

Section 251. KRS 117.315 is amended to read as follows:

(1) The county executive committee of any political party having a ticket to elect at any regular election, may designate not more than two (2) chalengers to be present at and witness the holding of the election in each precinct in the county. The challengers shall be entitled to stay in the room or at the door. The challengers shall be registered voters of the county in which the election is held, shall be appointed in writing signed by the chairman of the committee and shall produce written appointments on demand of any election officer.

(2) Any school board candidate, independent candidate, candidate for an office of the Court of Justice, or independent ticket at the regular election may designate not more than one (1) challenger to be present at and witness the holding of the elections in each precinct in the county. The challenger shall be entitled to stay in the room or at the door. The challenger shall be a registered voter of the county in which the election is held, shall be appointed in writing by the chairman of the committee, independent candidate or candidates representing a ticket, and shall produce written appointment on demand of any election officer.

(3) Not later than thirty (30) days prior to an election at which constitutional amendments or other public questions are to be submitted to the vote of the people, any committee that in good faith advocates or opposes an amendment or public question may file a petition with the clerk of the county asking that the petitioners be recognized as the committee entitled to nominate inspectors and challengers to serve at the election at which the constitutional amendment or public question is to be voted on. If more than one (1) committee alleging itself to advocate or oppose the same amendment file such a petition, the county board of elections shall decide, and announce by registered mail or by certified mail, return receipt requested to each committee not less than twenty (20) days immediately preceding the election, which committee is entitled to

nominate the challengers and inspectors. Such decision shall not be final, but any aggrieved party may institute proceedings *with* [in] the county *judge/executive* [court,] and upon hearing the county judge/executive shall determine which of such committees shall be recognized as the one to select inspectors and challengers at the election.

(4) The committee shall file the names of the persons nominated by it with the clerk of the county at least five (5) days before the election. The county board of elections shall, within two (2) days thereafter, certify the nominees of the committee for the respective precincts to serve as challengers and inspectors at the election where any constitutional amendment or public question is to be voted upon. If more than one (1) amendment or question is to be voted upon, the county board of elections may designate, on the petition of the committee, one (1) person for each amendment and question to serve as inspector at the election and one (1) person for each amendment and question to serve as challenger at the election.

(5) The challengers and inspectors shall perform their duties in the same manner and be subject to the same privileges as other inspectors and challengers at an election.

(6) Each political party is entitled to have not exceeding two (2) challengers at each precinct during the holding of the primary election. Any group of bona fide candidates, as defined in KRS 118.176, of the same political party equal to twenty-five percent (25%) of all the candidates for that party to be voted for in a county in any primary, including state, district and all other candidates, may recommend to the county committee or governing authority of the party for the county a list of persons whom they desire to have appointed as challengers in each precinct in the county. If more than two (2) such lists are furnished, the committee or governing authority, in making appointments of challengers, shall alternate between the several lists so furnished so as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one (1) challenger for any precinct from any one (1) list. The list of challengers shall be presented to the chairman or secretary of the party committee of the county not less than seven (7) days before the date on which the primary is to be held, and the committee or the chairman thereof shall make the appointments and certify to same at least four (4) days before the date on which the primary is held. The appointment of challengers shall be certified in all respects as challengers at regular elections, except as otherwise provided in this section, and the challengers shall be registered voters of the county in which the primary is held, shall be subject to the same penalties and possess the same rights and privileges as challengers at regular elections, except that the challengers of one (1) political party shall not be entitled to challenge persons who offer to vote for candidates of any other party in the primary. The provisions of this section shall be enforceable against the chairman of the political party committees by a mandatory summary proceeding instituted in the circuit court. The order of the court may be reviewed by the Court of Appeals as provided for the granting or dissolving of temporary injunctions.

Section 252. KRS 118.015 is amended to read as follows:

(1) A "political party" within the meaning of this chapter, is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and which cast at least twenty per cent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for.

(2) The word "election" used in reference to a state, district, county or city election, includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them.

(3) An "official ballot" means the voting machine ballot label, an absentee ballot, a special ballot or a supplemental paper ballot which has been authorized for the use of the voters in any primary, general or special election by the secretary of state or the county [court] clerk.

Section 253. KRS 118.205 is amended to read as follows:

The secretary of state and the county [court] clerks shall each keep a book entitled "Register of Candidates for Nomination in the Primary Election," and shall enter on different pages of the book for the different political parties the title of office sought and name and residence of each candidate for nomination in the primary election, the name of his political party, and the date of receiving his nomination papers. The book shall be so kept that the names of all candidates of the same political party shall be on the same or successive pages and the names of candidates of no two (2) political parties shall appear on the same page. The books shall be public records.

Section 254. KRS 118.365 is amended to read as follows:

(1) Certificates of nomination issued by the state board of elections shall be filed by that board with the secretary of state immediately. Such certificates issued by the county board of elections shall be filed by that board with the county clerk immediately.

(2) Certificates of nomination made by the governing authority of a party to fill vacancies in office, as provided in KRS 118.115, shall, when required to be filed with the secretary of state, be filed not less than fifty-five (55) days before the day fixed by law for the election of the person in nomination. When required to

be filed with the county [court] clerk, they shall be filed not less than fifty-five (55) days before the day fixed by law for the election of the person in nomination.

(3) Except as provided in subsection (4) of this section, petitions and certificates of nomination, when required to be filed with the secretary of state, shall be filed not less than fifty-five (55) days before the day fixed by law for the holding of primary elections. When required to be filed with the county [court] clerk, they shall be filed not less than fifty-five (55) days before the day fixed by law for holding of primary elections.

(4) Petitions and certificates of nomination for the nomination of candidates for city offices or of candidates for members of boards of education shall be filed not less than fifty-five (55) days before the day fixed by law for the election of the person in nomination. Petitions and certificates of nomination for electors of president and vice president of the United States shall be filed with the secretary of state not less than fifty-five (55) days prior to the date fixed by law for the election of such electors.

Section 255. KRS 121.180 is amended to read as follows:

(1) State and county executive committees shall make a full report, upon a prescribed form, to the registry, of all money, loans or other things of value, received from any source since the date of the last report, including the name, address, and occupation of each person or group contributing in excess of one hundred dollars ($100), the amount contributed by each and the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each peson to whom an expenditure is made in excess of fifty dollars ($50.00) and the amount, date and purpose of each expenditure. This report shall be made to the registry within thirty (30) days after the regular primary and general elections. If an individual gives a reportable contribution to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate, the name of the contributor and the sum shall be indicated on the committee report.

(2) Each campaign treasurer of a candidate or campaign committee shall make a full report, upon a prescribed form, to the registry, of all money, loans or other things of value, received by him from any source, since the date of the last report, including the name, address, and occupation of each person or group contributing in excess of one hundred dollars ($100), the amount contributed by each and the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of fifty dollars ($50.00), and the amount, date and purpose of each expenditure.

(a) Reports of all candidates and their campaign committee shall be made:

1. On the thirty-second day preceding an election, including all previous contributions and expenditures.
2. On the twelfth day preceding the date of the election.
3. Within thirty (30) days after the election.
4. Candidates shall have five (5) days from each filing deadline in which to get their reports into the hands of the registry.

(3) In making the preceding reports, proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies and similar fund raising events, mass collections made at such events, and sales of items such as campaign pins, buttons, hats, ties, literature and similar materials, the total gross receipts from each category shall be listed. When any individual purchase or the aggregate purchases of any item enumerated above exceeds one hundred dollars ($100), the purchaser shall be identified by name, address and occupation and the amount purchased shall be reported to the registry. When the net proceeds of a fund raising event exceed the sum of $1,500, such sales shall be reported to the registry by name, address and occupation of the purchaser and the amount purchased. Such lists shall be maintained by the campaign treasurer or other sponsor for inspection by the registry for four (4) years following the date of the election.

(4) If the final statement shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement, and every sixty (60) days after the deadline for filing the first supplemental statement, an additional supplemental statement of contributions and expenditures. Subsequent supplemental statements shall be filed quarterly thereafter until the account shows an unexpended balance, continuing debts and obligations, expenditures, or deficit. A candidate does not have to file supplemental reports if the debt is the candidate's personal note.

(5) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry. A duplicate copy of each report filed with the registry shall be filed by the candidate or committee with the county [court] clerk in the county in which the candidate resides at the same time. County [court] clerks shall maintain these reports for public inspection for a period of one (1) year from the date the last report is required to be filed.

(6) If a candidate is unopposed in a primary or general election after the time prescribed by law for qualifying for nomination or election to the office, and has received no contributions nor made any

expenditures, then his obligation to file the reports required by KRS 121.015 and 121.100 to 121.200 shall cease. A candidate who is opposed but receives no contribution or makes no expenditures shall so report on the dates designated in this section, and file all reports required by KRS 121.015 and 121.100 to 121.200.

(7) No candidate as defined in this section, nor any committee which has been organized in whole or in part to further the candidacy of such person, shall use or permit the use of contributions or funds solicited or received for such person to further the candidacy of such person for any other public office. Any funds or contributions solicited or received by or on behalf of a candidate or any committee, which has been organized in whole or in part to further any candidacy for the same person, shall be deemed to have been solicited or received for the candidacy for which he is then a candidate if the funds or contributions are solicited or received at any time prior to the general election for which he is a nominee and for thirty days thereafter. Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further the candidacy of such person shall, at the election of the candidate or committee, be returned pro rata to all contributors or be transferred to the executive committee of the political party of which the candidate is a member.

Section 256. KRS 131.140 is amended to read as follows:

(1) The department shall requisition the executive department for finance and administration to furnish to local officials an adequate supply of forms for listing property for taxation and such other forms and blanks so prescribed as the law requires the state to provide. The books and records prescribed for use by property valuation administrators, county [court] clerks, sheriffs and other county tax collectors shall be designated to promote economical operation, adequate control, availability of useful information, and safekeeping. The forms prescribed for listing intangible property shall be designated to secure a detailed list so that valuations may conveniently be checked with available sources of information, and so that the confidential character of the intangible property assessment may be safeguarded.

(2) The department may confer with, advise and direct local officials respecting their duties relating to taxation, and shall supervise the officials in the performance of those duties. The department, by authorized agents, may visit local governmental units and officers for investigational purposes, when it seems reasonably necessary.

(3) The department shall arrange for an annual conference of the property valuation administrators, or the county officers whose duty it is to assess property for taxation, to give them systematic instruction in the fair and just valuation and assessment of property, and their duty in connection therewith. The conference shall continue not more than five (5) days. Such officers shall attend and take part in the conference, unless prevented by illness or other reason satisfactory to the commissioner. Any such officer wilfully failing to attend the conference may be removed from office by the circuit court of the county wherein he was elected. If the officer participates in all sessions of the conference, one-half (1/2) of his actual and necessary expenses in attending the conference shall be paid by the state, and the other half shall be paid by the county from which he attends. Each officer shall make out an itemized statement showing his actual and necessary expenses, and if it is found regular and supported by proper receipts it shall be approved by the department before payment.

Section 257. KRS 132.110 is amended to read as follows:

(1) Within five (5) days after the filing of the petition for referendum, the secretary of state shall transmit to the county *judge/executive* [court] of each county in which petitioners reside the sheets containing the names of the petitioners of that county. The county judge/executive shall thereupon set a date not less than ten (10) nor more than fifteen (15) days thereafter when interested persons may appear and present proof as to the genuineness of signatures and the qualification of petitioners. After hearing proof, the county judge/executive shall determine the number of legal voters of his county who have signed the petition, cause the same to be entered upon the order book and certify it to the secretary of state.

(2) Within thirty (30) days after receiving from the county *judges/executive* [courts] certification that a number of legal voters constituting in the aggregate five per cent (5%) of the vote of the entire state have signed a petition for referendum, the secretary of state shall cause the proposed act or the parts thereof affected and the fact that the act will be submitted to the voters for their acceptance or rejection at the next general election to be published pursuant to KRS chapter 424.

Section 258. KRS 132.130 is amended to read as follows:

(1) Effective January 1, 1967, every owner, proprietor, or custodian of a bonded warehouse or of premises under the control and supervision of the United States internal revenue service, in which distilled spirits are stored shall between January 1 and February 1 of each year file with the department of revenue a report sworn to by him showing the quantity and kind of distilled spirits in the bonded warehouse or premises as of January 1 of that year; the quantity and kind of spirits on which the federal tax has been paid or is due; what distilled spirits have been removed from the bonded warehouse or premises for transfer in bond out of this state during the preceding twelve (12) months; the county, city, and taxing district in which such distilled

spirits were certified for taxation; the fair cash value of the distilled spirits estimated at a price it would bring at a fair voluntary sale; and such other facts pertaining to the distilled spirits as the department may require.

(2) On January 1, May 1, and September 1, after the federal tax has been paid or becomes due, or after any of the distilled spirits are removed from the bonded warehouse or premises for transfer in bond out of this state, every owner, proprietor, or custodian of a bonded warehouse or premises in which distilled spirits are stored upon which taxes have accrued on assessments prior to January 1, 1967, shall file with the department of revenue and the *county* clerk [of the county court], in which county the distilled spirits were at the time of the assessment, a statement, sworn to by him, showing the quantity of the distilled spirits on which the federal tax has been paid or is due; what distilled spirits have been removed from the bonded warehouse or premises or transferred in bond out of this state during the preceding four (4) months; the years in which such distilled spirits were assessed for taxation; and the county, city, or taxing district in which the distilled spirits were stored at the time of the assessment. At the same time, all taxes and interest on such distilled spirits due the state, county, or other taxing district shall be paid to the officers entitled to receive them. The report required by this section shall be made whether or not any distilled spirits are stored in the bonded warehouse or premises at the time the report is due.

Section 259. KRS 132.330 is amended to read as follows:

The field agents, accountants and attorneys of the department of revenue shall cause to be listed for taxation all property omitted by the property valuation administrators, board of supervisors, department or any other assessing authority, for any year omitted. The agent, accountant or attorney proposing to have the property assessed shall file in the office of the county clerk of the county in which the property may be liable to assessment a statement containing a description and value of the property or corporate franchise proposed to be assessed, the name and place of residence of the owner, his agent or attorney, or person in possession of the property, if known, and the year the property was unassessed. The county clerk shall thereupon issue a summons against the owner, or person in possession of the property if the owner is unknown, to show cause *within ten (10) days* [before the next regular term of the county court that does not commence within five (5) days] after the service of the summons, why the property or corporate franchise shall not be assessed at the value named in the statement filed. No decision shall be rendered against the alleged owner unless the statement filed contains a description of the property sought to be assessed that will enable the *county judge/executive* [court] to identify it. The summons shall be executed by the sheriff by delivering a copy thereof to the owner, or if he is not in the county to his agent, attorney or person in possession of the property. If the property is real property, and the owner is known but is absent from the state and has no attorney or agent in this state and no one is in possession of the property, the summons shall be served by posting it in a conspicuous place upon the property; if the property consists of tangible personal property the summons shall be placed in a conspicuous place where the property is located. In the case of tangible and intangible personal property, where the owner and his place of residence are unknown and no one (1) has possession of the property, an action for assessment shall be instituted by filing the petition above mentioned and procuring constructive service against the owner under the provisions of rules 4.05, 4.06, 4.07 and 4.08 of the Rules of Civil Procedure. In all of the above cases an attachment of the property omitted from assessment may be procured from the district court against the owner, at the time of the institution of the action or thereafter, and without the execution of a bond by the Commonwealth or its relator, by the representative of the department of revenue making an affidavit that the property described in the petition is subject to state, county, school or other taxing district tax, and is unassessed for any taxable year.

Section 260. KRS 132.340 is amended to read as follows:

(1) *Within ten (10) days* [At the next regular term of the county court] after the summons has been served [for five (5) days], or *within thirty (30) days after* the warning order against the defendant whose name and place of residence are unknown has been made [for thirty (30) days], if it appears to the *county judge/executive* [court] that the property is liable for taxation and has not been assessed, the *county judge/executive* [court] shall enter an order fixing the value at the fair cash value estimated as required by law. The *county judge/executive* [court] shall certify the assessment of the property and its value, together with such other facts as may be required by law or directed by the *county judge/executive* [court] to appear in the order, to the department of revenue and to the sheriff of the county, together with the amount of penalty and cost of assessment, in order that the taxes due the state, county, school or any other taxing district may be collected, with the penalty and costs. If the property is not liable for taxes, the *county judge/executive* [court] shall make an order to that effect. Either party may appeal from the decision of the county *judge/executive* [court] to the circuit court, and then to the Court of Appeals as in other civil cases, except that no appeal bond shall be required where the appeal is by the commissioner of revenue acting as the relator.

(2) If the owner of the property fails to pay the tax assessed, interest, penalties and costs, the lien under the attachment may be enforced and a sufficiency of the property sold to pay the obligation to the state,

county, school or other taxing district. All persons owning property that is assessed as herein provided shall, in addition to the taxes and interest from the time the taxes should have been paid, pay the costs of the proceedings and a penalty of twenty per cent (20%) on the amount of the taxes due, except where the property was duly listed and the taxes paid thereon within the time prescribed by law, and except where some different penalty is expressly provided by law.

(3) The taxes, costs and penalties shall be collected and accounted for as other taxes and penalties are required to be collected, and by the same officers. The county clerk shall enter all such assessments in a book to be kept for that purpose, showing the date of the assessment, the name of the person against whom the assessment is made, the location and description of the property assessed, and the value thereof. The officer collecting the taxes shall, when they are paid, notify the clerk of the payment, and the payment shall be noted by the clerk opposite the entry of the assessment.

Section 261. KRS 132.610 is amended to read as follows:

Before the county *judge/executive* [court] shall grant a certificate or order of allowance under KRS 132.590, the property valuation administrator and his deputies shall in open court make and file the following affidavit, subscribed and sworn to by them before the county clerk:

"I do swear that I have not received from any person a list of taxable property and returned the same until the person rendering the list has made oath to the truth of the same; and I do further swear that I have in no instance assessed any property at a greater or less sum than I deemed a fair cash value, estimated at the price it would bring at a fair voluntary sale."

Section 262. KRS 132.660 is amended to read as follows:

(1) The department of revenue shall have authority to order an emergency assessment of all or any part of the taxable property in any taxing district to be made by one or more persons appointed for that purpose by the department, whenever: there has been no regular assessment; the records of an assessment have been destroyed, mutilated or lost; complaint is made by the owners of not less than ten per cent (10%) in value of the taxable property in the taxing district; or investigation of the department discloses that the assessment of property in such taxing district is so grossly inequitable or fiscally infeasible that an emergency exists. The order directing such emergency assessments shall state the reasons therefor and a copy shall be filed in the office of the *county* clerk [of the county court] where the property lies. Such order, when filed, shall void any assessment for the assessment year for which the emergency assessment is made. Any person appointed to make such an emergency assessment shall have the same powers and duties as the property valuation administrator. Whenever the tax roll has been completed under an emergency assessment and the tentative valuations have been determined, the department shall cause to be published pursuant to KRS chapter 424, a notice as to the date when the tax roll will be ready for inspection and the time available for such purpose; also a copy of the notice shall be posted at the courthouse door. If any property is assessed at a greater value than that listed by the taxpayer or unlisted property is assessed, the taxpayer shall be charged with notice of such action by reason of the inspection period, and no further notice need be given of such action taken before the beginning of the inspection period. At the close of the inspection period, the tax roll shall be delivered to the county [court] clerk and the county judge*/executive* shall immediately convene the board of supervisors to hear and determine any appeals from such emergency assessment. The board shall remain in session for the time and shall receive the compensation as provided in KRS 133.030 (2). Appeals shall be taken and heard from such emergency assessments in the same manner as appeals from regular assessments.

(2) The department may appoint the property valuation administrator to make an emergency assessment provided he was not at fault, and if the property valuation administrator is so appointed he shall receive reasonable compensation for his services in making this assessment, which shall not affect in any manner the payment to him of any compensation that he has received for himself or on behalf of a deputy or that may be due him, for services in making the regular assessment. Whenever through the property valuation administrator's fault an emergency assessment is ordered, the property valuation administrator shall become liable for the cost thereof as provided in KRS 132.620, such cost to be limited to the amount due or paid him in accordance with the provisions of KRS 132.590.

Section 263. KRS 133.110 is amended to read as follows:

County *judges/executive* [courts] may, after giving notice to the county attorney, sheriff and property valuation administrator, correct any mere clerical errors in an assessment or any duplication of assessment. Any correction made without such notice shall be void.

Section 264. KRS 133.120 is amended to read as follows:

(1) Any taxpayer aggrieved by an assessment made by the property valuation administrator may appeal to the board of assessment appeals, however, no appeals shall be accepted by the board of assessment unless a letter or other written petition stating the reasons for appeal, identifying the property for which the appeal is

filed and stating the taxpayer's opinion of the fair cash value of the property, shall be filed with the county clerk within the five-day period in which the inspection period is held. The board of assessment appeals may review and change any assessment made by the property valuation administrator upon recommendation of the department of revenue, county judge/*executive*, mayor of any city using the county assessment or the superintendent of any school district in which the property is located, provided, such recommendation is made to the board in writing specifying the individual properties recommended for review. If the board of assessment appeals determines that any such assessment should be increased, then it shall give the taxpayer notice in the manner required by subsection (4) of KRS 132.450, specifying a date when the board will hear the taxpayer, if he so desires, in protest of such increase. Any property owner who has listed his property with the property valuation administrator at its fair cash value, likewise may ask the county board of assessment appeals to review the assessments of properties he believes to be assessed at less than fair cash value, providing, he specifies, in writing the individual properties for which the review is sought and factual information upon which his request is based; such as, comparable sales or cost data. Nothing in this section shall be construed as granting any property owner the right to request a blanket review of properties or the board the power to conduct such a review.

(2) The board of assessment appeals shall hold a public hearing for each individual taxpayer appeal in protest of the assessment by the property valuation administrator filed in accordance with the provisions of subsection (1) of this section, and after hearing all the evidence, shall fix the assessment of the property at its fair cash value. The board shall report to the property valuation administrator any property omitted from the tax roll. The property valuation administrator shall assess such property and immediately give notice to the taxpayer in the manner required by KRS 132.450(4), specifying a date when the board of assessment appeals will hear the taxpayer, if he so desires, in protest of the action of the property valuation administrator.

(3) The board of assessment appeals shall have power to issue subpoenas, compel the attendance of witnesses, and adopt rules and regulations concerning the conduct of its business. Any member of the board shall have power to administer oaths to any witness in proceedings before the board.

(4) The powers of the board of assessment appeals shall be limited to those specifically granted by this section.

(5) No appeal under this section shall delay the collection or payment of any taxes based upon the assessment in controversy. The taxpayer shall pay all state, county and district taxes due on the valuation which he claims as true value and stated in the petition of appeal filed in accordance with the provisions of subsection (1) of this section. When the valuation is finally determined upon appeal, the court or the Kentucky board of tax appeals shall certify the valuation to the county [court] clerk and the taxpayer shall be billed for any additional tax and six per cent (6%) interest from the date when the tax would have become due if no appeal had been taken. The provisions of KRS 134.390 shall apply to such tax bill.

(6) Any member of the county board of assessment appeals may be required to give evidence in support of the board's findings in any appeal from its actions to the Kentucky board of tax appeals.

(7) It shall be the duty of the county attorney to represent the interest of the state and county in all hearings before the board of assessment appeals and on all appeals prosecuted from its decision. In the event the county attorney is unable to represent the state and county, he or the fiscal court shall arrange for substitute representation.

Section 265. KRS 133.125 is amended to read as follows:

(1) The county clerk, or an authorized deputy, shall act as clerk of the board of assessment appeals; and where additional board panels are appointed, as provided by law, one (1) authorized deputy shall act as clerk for each panel. An accurate record of the proceedings and orders of the board and of each of its authorized panels shall be kept and shall show the name of the owner of the property, the description, the type of property, the amount of the assessment the property valuation administrator placed on the property, and the amount of change made in the assessment by the board. A copy certified by the chairman of the board and attested by the county clerk shall be filed by the clerk with the property valuation administrator and with the department of revenue within five (5) days after the adjournment of the board.

(2) After receipt of the clerk's certification of the action of the board of assessment appeals, the property valuation administrator shall complete his rolls by adding to them all listings and assessments which he may have made after the rolls were open for inspection as provided in KRS 133.045 and making all adjustments ordered by the board, and he shall turn the rolls over to the clerk within ten (10) days after the board adjourns. Whereupon the clerk shall make a recapitulation of the assessment by taxing districts and types of property and shall submit such recapitulation to the department of revenue not later than June 20 unless the time is extended by the department.

(3) The county clerk shall certify to the county *judge/executive* [court] the number of days during which the board was in session, and the court shall enter this fact of record along with the amount due the board members for their services. On a presentation of a copy of the order, the executive department for finance and administration shall draw a warrant on the state treasurer in favor of the board members and

clerk for the amount due for their services.

(4) The county clerk and any authorized deputies serving as clerk of the board or a panel thereof shall be allowed the same compensation per day for their services as is allowed to members of the board of their county, and they shall be paid in the same manner as members of the board are paid. The county clerk and his authorized deputies shall be allowed compensation for completing and filing the record of the board and for preparing the recapitulation in the same manner as allowed for their services while acting as clerk of the board or clerk of a panel of the board.

Section 266. KRS 133.130 is amended to read as follows:

(1) Any person claiming to be erroneously charged with any tax upon property not owned by him may, at any time not later than *thirty (30) days* [the next regular county court] after he has received notice of the same by demand made upon him to pay the tax, offer evidence in support of the complaint to the county *judge/executive* [court] of the county in which the assessment was made. If the *county judge/executive* [court] finds that he was not the owner of the property assessed, *he* [it] may correct the same by releasing him from the payment of the tax, and the [court] order exonerating the tax shall, upon delivery of a copy thereof to the property valuation administrator, constitute an order to have the property immediately listed against the rightful owner.

(2) An appeal may be taken to the circuit court from any final order of the *county judge/executive* [court] made under this section or under KRS 133.110. The *county judge/executive* [court] shall certify *his* [its] actions to the department of revenue and sheriff. The sheriff shall not receive credit under this section unless copies of the judgments are furnished to the department by June 1 after the judgments are entered.

Section 267. KRS 133.160 is amended to read as follows:

When it is contemplated by the department of revenue that it will be necessary to raise the assessed valuation of property in any county, it shall give notice of the contemplated action to the county *judge/executive* [court], the superintendent of any school district affected by such action, the mayor of any city which is affected and which has adopted the assessment, and to the taxpayers of that county through the county judge*/executive*, who shall post the notice sent him on the courthouse door and certify to the department of revenue that this has been done, and it shall fix a time and place for a hearing which may be in Frankfort or any convenient place in or nearer the county seat.

Section 268. KRS 133.181 is amended to read as follows:

If the department of revenue, in making its equalization of the property in any county in accordance with the provisions of KRS 133.150, causes any increase or decrease to be made in the value of any property, the county [court] clerk shall correct the tax books to comply with the final certification of the assessment by the department. As compensation for his services, the clerk shall receive the same compensation per day that he receives for serving as clerk of the board of assessment appeals for as many days as are necessary to make the corrections but not to exceed a total of ten (10) days. One-half (1/2) of such amounts shall be paid out of the county levy and one-half (1/2) out of the state treasury. Such sums shall be paid at the same time and in the same manner as is the clerk's compensation for preparing the tax bills under KRS 133.240 (2).

Section 269. KRS 133.185 is amended to read as follows:

No tax rate for any taxing district imposing a levy upon the county assessment shall be determined before the assessment is certified by the department of revenue to the county [court] clerk as provided in KRS 133.180.

Section 270. KRS 133.220 is amended to read as follows:

(1) The department of revenue annually shall furnish to each county clerk tax bill forms designed for adequate accounting control sufficient to cover the taxable property on the rolls. These tax bill forms shall be furnished not later than ten (10) days after the department of revenue has rendered its certification. The county annually shall furnish the county clerk with sufficient tax bill forms for his use in the preparation of tax bills for all taxpayers who are liable for a poll tax and who own no property assessed for taxation.

(2) After receiving the forms the county clerk shall make out for the use of the sheriff or collector a correct tax bill for each taxpayer in the county whose property has been assessed and whose valuation is included in the certification provided in KRS 133.180. If the bills are bound, the cost of binding shall be paid out of the county levy. Each tax bill shall show the rate of tax upon each one hundred dollars ($100) worth of property for state, county, and school purposes; the name of the taxpayer and his mailing address; the number of acres of farm land and its value; the number of lots and their value; the amount and value of notes and money; the value of mixed personal property; the county poll; the school poll; the school tax; and the total amount of taxes due the state, county, school fund, and other levies. Provision shall be made for the sheriff to have a stub, duplicate, or other proper evidence of receipt of payment of each tax bill.

(3) Tax bills prepared in accordance with the certification of the department of revenue shall be delivered to the sheriff or collector by the county clerk before September 15 of each year. The clerk shall take a receipt showing the number of tax bills and the total amount of tax due each taxing district as shown upon the tax bills. The receipt shall be signed and acknowledged by the sheriff or collector before the county clerk, filed *with the county judge/executive* [in the county court], and recorded in the order book of the county *judge/executive* [court] in the manner required by law for recording the official bond of the sheriff.

(4) Upon delivery to him of the tax bills, the sheriff or collector shall mail a notice to each taxpayer, showing the total amount of taxes due the state, county, school fund, and other levies, the date on which the taxes are due, and any discount to which the taxpayer may be entitled upon payment of the taxes prior to a designated date.

Section 271. KRS 133.240 is amended to read as follows:

(1) The county clerk shall be allowed ten cents (10¢) for each tax bill made out for the sheriff or collector under the provisions of KRS 133.220, and fifty cents (50¢) for each tax bill made out in case of an omitted assessment. He shall not be paid any part of his compensation by the state where the taxpayer has no property subject to taxation for state purposes.

(2) The county clerk shall present his account to the county *judge/executive* [court], verified by his affidavit, together with his receipt from the sheriff for the tax bills and his receipt from the department of revenue for the recapitulation sheets. If found correct, the *county judge/executive* [court] shall allow the account, and order one-half (1/2) of it paid out of the county levy and the other one-half (1/2) out of the state treasury. The county clerk shall certify the allowance to the executive department for finance and administration, which shall draw a warrant on the state treasurer in favor of the county clerk for the state's one-half (1/2).

Section 272. KRS 134.200 is amended to read as follows:

(1) The sheriff may, with the approval of the county *judge/executive* [court], appoint one or more deputies, and require his deputies to give bond to him for the faithful discharge of their duties in the collection of revenue. The sheriff shall be liable on his bond or bonds for any misconduct or fault of his deputies in the collection of revenue. Any deputy may be removed at any time by the sheriff.

(2) The sheriff shall not retain any part of the compensation allowed his deputies for more than thirty (30) days.

Section 273. KRS 134.215 is amended to read as follows:

(1) An outgoing sheriff, as soon as his successor has been qualified and inducted into office and his official bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and make a complete settlement of his accounts as sheriff, except as otherwise provided in this section.

(2) All unpaid tax bills and bills upon which partial payments have been accepted in the possession of the sheriff upon the date of expiration of his term shall be turned over to the incoming sheriff, who shall collect and account for them as provided by law. The outgoing sheriff shall take a receipt from the incoming sheriff for the unpaid and partially paid tax bills. This receipt shall show in detail for each unpaid and for each partially paid tax bill the total amount due each taxing district as shown upon the tax bills. Provided, however, in counties containing a population of 75,000 or over, the receipt shall show the total amount due each taxing district as shown upon the unpaid and partially paid tax bills. The receipt shall be signed and acknowledged by the incoming sheriff before the county clerk, filed *with the county judge/executive* [in the county court], and recorded in the order book of the county *judge/executive* [court] in the manner required by law for recording the official bond of the sheriff. A certified copy of the receipt as recorded in the order book of the county *judge/executive* [court] shall be filed with the department of revenue. The outgoing sheriff and his bondsmen or sureties shall be relieved in securing his quietus and in the final settlement of his accounts of all responsibility for collecting and accounting for the amounts covered by the receipt and the incoming sheriff shall be charged with full responsibility for collecting and accounting for these amounts as otherwise provided by law for the collection and accounting for taxes.

(3) Each outgoing sheriff shall make a final settlement with the department of revenue and the fiscal court and taxing district of his county by March 15 immediately following the expiration of his term of office for all charges of taxes made against him and for all money received by him as sheriff and to obtain his quietus, and immediately thereafter he shall deliver these records to the incumbent sheriff.

(4) For purposes of accounting for unpaid and partially paid tax bills, either the outgoing sheriff, the incoming sheriff, or both, may, by giving advance notice by publication pursuant to KRS chapter 424, refuse to accept payment of ad valorem taxes during any or all of that portion of their terms of office from January 1 through January 15. Irrespective of whether the office refuses to accept payment of taxes during any or all of this fifteen (15) day period, both the incoming and outgoing sheriffs shall have working access to the office

facilities and to the records and mail of the sheriff's office relating to the payment, collection and refund of ad valorem taxes on property. Interest shall not be assessed or collected for the period during which payment of taxes is prohibited under the terms of this section.

(5) The outgoing sheriff shall be allowed and paid in accordance with KRS 64.140 and 64.530 the reasonable expenses actually incurred in preparing the receipt required under this section. Reasonable expenses actually incurred may include office expenses and salaries of himself, deputies and employes paid in accordance with the schedule of the previous year or the amount paid an auditor necessary in determining, verifying and recording the unpaid and partially paid tax bills turned over to the incoming sheriff.

Section 274. KRS 134.220 is amended to read as follows:

If the sheriff dies, resigns or is removed during his term of office, his sureties may nominate a person to collect the revenue for that year, and upon their written nomination that person shall be appointed by the county *judge/executive* [court]. The sureties shall remain liable to the state for the taxes with which their principal was charged. This section shall not apply when the sureties, in the opinion of the county *judge/executive* [court], are not in the aggregate worth, in property subject to execution, above their debts, the amount of the taxes with which their principal was charged.

Section 275. KRS 134.230 is amended to read as follows:

(1) The sheriff shall, before he qualifies and before he assumes the duties of the office for the first time, enter into bond with surety for the faithful performance of his duties as revenue collector. This bond shall cover liability to account, as provided by law, for all charges of taxes made against him, and for all money received by him as revenue collector from the date he assumes the duties of the office to and including May 31 of the same year. He shall enter into bond with surety thereafter before or as of June 1 of each succeeding year of the term of his office, except that the expiration date of the bond for the last year in the term shall be to and including March 15. The county judge,*/executive* shall hold *a hearing* [court] at any time the sheriff may request for the purpose of executing bond.

(2) The county *judge/executive* [court], except in case of a corporate surety, shall judge of the sufficiency of the surety, and in no case shall sureties be taken who are not jointly worth, subject to execution after the payment of all their debts and liabilities, a sum equal to the aggregate amount of state tax receipts that will probably be received by the sheriff during the year or period succeeding the execution of the bond. Where a corporate surety bond is offered, it shall be for a sum not less than the largest amount of state tax receipts that the sheriff will probably have in his possession at any one (1) time, except that such corporate surety bond shall in no event exceed $200,000. The county *judge/executive* [court], with the approval of the department of revenue, shall determine the amount of the corporate surety bond and judge of the sufficiency of the surety.

(3) The county *judge/executive* [court] may require the sheriff to give additional bond, with good surety to be approved by the *county judge/executive* [court], whenever the *county judge/executive* [court] deems it necessary in the interest of the state or county.

(4) The state, county and taxing districts shall have a lien, from the date the sheriff begins to act, upon the real property of the sheriff then owned or that may afterwards be acquired by him during his term as sheriff or special tax collector. The same lien shall exist upon the real property of a usurper of the office of sheriff, a de facto sheriff or any person who acts as sheriff.

(5) The lien referred to in subsection (4) above shall not be discharged until four (4) years have elapsed from the expiration of his term of office without any action having been commenced to assert the lien, or until a quietus from the state, county and taxing districts has been filed and recorded in the office of the county [court] clerk for each of the tax periods during the sheriff's term, whichever of these two (2) events shall first occur. Each quietus shall approve the settlement of the sheriff, acknowledge payment of moneys due, and shall discharge and release the sheriff from further liability for the taxing period involved. The county [court] clerk shall be entitled to receive one dollar ($1.00) for filing and recording each quietus and shall note upon the quietus the date, book and page of the last preceding quietus recorded.

Section 276. KRS 134.250 is amended to read as follows:

The sheriff shall annually, before he proceeds to collect the county levy, execute bond to the Commonwealth, *with the county judge/executive* [in the county court], with one or more sufficient sureties and in a definite penal sum fixed by the county *judge/executive* [court], conditioned for the faithful performance of his duties and to pay over in due time to the proper person, as directed by the court, all money collected by him. This bond shall be approved by order of the county *judge/executive* [court], and when approved shall be recorded in the order book and safely kept by the county clerk.

Section 277. KRS 134.280 is amended to read as follows:

(1) On the failure of the sheriff to execute bond and qualify as provided in KRS 134.230 he shall forfeit his office, and the county *judge/executive* [court] may appoint a sheriff to fill the vacancy until a sheriff is elected, or it may appoint a collector for the county of all moneys due the state, county or taxing district authorized to be collected by the sheriff, or it may appoint a separate collector of all the moneys due the state, county or any taxing district thereof during the vacancy in the office of sheriff. If the county *judge/executive* [court] fails for thirty (30) days to appoint a collector of money due the state, the department of revenue may appoint a collector thereof. These collectors shall, within ten (10) days after their appointment, execute bond as required of the sheriff, to be approved by the county *judge/executive* [court], and if the bond is not executed within that time the appointment of another collector may, in like manner, be made, but such collector shall be required to give bond for and collect only the taxes or moneys provided for in the order of the county *judge/executive* [court] appointing him.

(2) A sheriff who forfeits his office under subsection (1) of this section, or who resigns his office, shall not be appointed deputy sheriff or collector for the county, or elisor, deputy collector or deputy elisor.

Section 278. KRS 134.300 is amended to read as follows:

(1) The sheriff shall, by the tenth day of each month, or more often if required by the county *judge/executive* [court] to prevent the sheriff from having funds in his possession in excess of the amount of his bond, report under oath to the county *judge/executive* [court] the amount of state and county taxes he has collected during the month preceding, together with all fines, forfeitures, or money on any other account that has been received or collected by him for the preceding month. He shall show in this report the amount collected for and belonging to each particular fund for which the revenue or money may be intended, and the disposition of such revenue or money collected by him. The reports shall be filed and recorded in separate books furnished by the county *judge/executive* [court] for that purpose, and they shall be open for inspection in the office of the county clerk.

(2) At the time of making the report to the county *judge/executive* [court], the sheriff shall pay to the county treasurer, or other officer designated by the fiscal court, all funds belonging to the county that were collected by him during the period covered in the report. He shall take a receipt from the county treasurer for the amount so paid, in duplicate, one (1) duplicate to be retained by the sheriff and the other to be delivered by him to the county judge*/executive* who shall file it in his office.

(3) Any sheriff failing to pay over taxes collected by him and due the county, as provided by law, shall be required by the fiscal court to pay a penalty of one per cent (1%) for each thirty (30) day period or fraction thereof plus interest at the legal rate per annum on such taxes. The fiscal court in its settlement with the sheriff shall charge him with such penalties and interest.

(4) The county judge*/executive* may grant an extension of time, not to exceed fifteen (15) days, for filing the report required by subsection (1) and the reports for all other levies made by the fiscal court whenever, in his judgment, good cause therefor exists. The extension shall be in writing and shall be recorded in the office of the county [court] clerk. The extension when granted shall suspend the penalty and interest for the duration of the extension. The penalty and interest shall apply at the expiration of the extension.

Section 279. KRS 134.310 is amended to read as follows:

(1) The sheriff shall annually settle his accounts for county and district taxes with the fiscal court, before making settlement with the department of revenue. At the regular October term each year the fiscal court shall appoint some competent person other than the Commonwealth's or county attorney to settle the accounts of the sheriff for money due the county or district. The report of this settlement shall be filed in the county clerk's office and approved by the county *judge/executive* [court]. The settlement shall show the amount of poll tax and ad valorem tax collected, and an itemized statement of the money disbursed.

(2) The settlement shall be published pursuant to KRS chapter 424. The report of the settlement shall be subject to objections by the sheriff or by the county attorney, who shall represent the state and county, and the county *judge/executive* [court] shall determine the objections.

(3) Either party may institute an action in circuit court to correct the settlement. The settlement, when approved, shall be recorded in the county clerk's office.

(4) On the final settlement the sheriff shall pay to the county treasurer all money that remains in his hands, and take receipts as provided in KRS 134.300.

(5) In counties containing a population of less than seventy-five thousand (75,000) the sheriff shall file annually with his final settlement:

(a) A complete statement of all funds received by his office for official services, showing separately the total income received by his office for services rendered, exclusive of his commissions for collecting taxes, and the total funds received as commissions for collecting state, county and school taxes; and

(b) A complete statement of all expenditures of his office, including his salary, compensation of deputies and assistants, and reasonable expenses.

Section 280. KRS 134.485 is amended to read as follows:

Whenever an encumbrance by reason of a tax claim exists on land which is divided both as to ownership and area into two (2) or more tracts, any person or persons owning any of such tracts may make application, upon ten (10) days' notice given to the owners of the other tracts and the county attorney, to the county *judge/executive* [court] of the county for an apportionment of the assessment, and said *county judge/executive* [court] is authorized to make an apportionment of the amount of the encumbrance among the owners of each tract according to the value of their respective interests as shown by the proof introduced by them. Any owner of a tract for which the tax claim was apportioned may have the encumbrance on his property released therefrom by paying to the officer or person to whom such taxes are payable his pro rata share thereof as ascertained by the *decision* [judgment] of apportionment. Said determination shall be final unless an appeal therefrom to the circuit court is prosecuted within sixty (60) days from rendition of such *decision* [judgment].

Section 281. KRS 134.505 is amended to read as follows:

Any person while serving as county attorney who was required by law by reason of his office to prosecute an action or to assist the commissioner of revenue in prosecuting an action to enforce a claim of the state, county, school district and any other taxing district to any land which was purchased by such districts at a sheriff's sale or sales for delinquent taxes and who did not institute such action before he relinquished his office or otherwise failed to perform substantially all the duties of his office relative to the claim, shall not be entitled to receive any commission or compensation for any such sale or sales when the redemption costs are paid. Any county [court] clerk or other person authorized to collect funds to satisfy unredeemed land sales shall be liable for any such money distributed as a commission to any former county attorney who is not entitled to it.

Section 282. KRS 136.320 is amended to read as follows:

(1) Each life insurance company incorporated under the laws of and doing business in Kentucky shall value as of January 1 and report to the department of revenue by July 15, 1966, and by April 1 each year thereafter, on forms prescribed by the department of revenue, the following:

(a) The fair cash value of the company's intangible personal property, hereinafter referred to as "capital," consisting of all money in hand, shares of stock, notes, bonds, accounts and other credits, exclusive of due and deferred premiums, whether secured by mortgage, pledge or otherwise, or unsecured.

(b) The fair cash value of the company's intangible personal property exempt from taxation by law.

(c) The aggregate amount of company's reserves, reduced by the amount of due and deferred premiums, maintained in accordance with the applicable provisions of KRS 304.6-040 and 304.6-130 to 304.6-180, on all outstanding policies and contracts supplementary thereto.

(d) Such other information as may be required by the department of revenue to accurately determine the fair cash value of each company's "taxable capital" and "taxable reserves."

(2) Based on information supplied by each company and such other information as may be available, the department of revenue shall value each company's "taxable capital" and "taxable reserves" as follows:

(a) "Taxable capital" shall be determined by deducting "taxable reserves" from "capital," less exempt intangible personal property.

(b) "Taxable reserves" shall be determined by multiplying the aggregate amount of reserves as computed in subsection (1)(c) of this section by the percentage determined by dividing "capital," less exempt intangible personal property, by "capital," including exempt intangible personal property.

(3) An annual tax of seventy cents (70¢) on each one hundred dollars ($100) of the fair cash value of "taxable capital" and one-tenth of one cent ($.001) on each one hundred dollars ($100) of the fair cash value of "taxable reserves" shall be imposed for state purposes. The tax shall be in lieu of all excise, license, occupational, or other taxes imposed by the state, county, city, or other taxing district, except as provided in subsections (4), (5), and (6) of this section.

(4) The county in which the principal office of the company is located may impose a tax of fifteen cents (15¢) on each one hundred dollars ($100) of "taxable capital."

(5) The city in which the principal office of the company is located may impose a tax of fifteen cents (15¢) on each one hundred dollars ($100) of "taxable capital."

(6) The department of revenue shall by September 1 each year bill each company for the state taxes. It shall immediately certify to the county [court] clerk of the county in which the principal office of the company is located the value of "taxable capital" subject to local taxation. The county [court] clerk shall prepare and deliver a bill to the sheriff for collection of taxes collectible by the sheriff and shall certify the value to all other collecting officers of districts authorized to levy a tax.

(7) Each company's real and tangible personal property shall be subject to taxation at fair cash value by the state, county, school, and other taxing districts in which such property is located in the same manner and

at the same rates as all other property of the same class.

(8) Taxes on property subject to taxation under this section shall be subject to the same discount and penalties as provided in KRS 134.020 and shall be collected in the same manner as taxes on property locally assessed, except that the state tax on the "taxable capital" and "taxable reserves" shall be collected directly by the department of revenue.

(9) Any taxpayer subject to taxation under this section may protest in the manner provided in KRS 131.110.

Section 283. KRS 138.460 is amended to read as follows:

(1) On and after July 1, 1972 a tax levied upon its retail price at the rate of five percent shall be paid on the use in this state of every motor vehicle, except those exempted by KRS 138.470, at the time and in the manner provided in this section. In the case of trucks of gross weight in excess of ten thousand pounds (10,000 lbs.) the tax shall be levied upon ninety percent of the retail price of the vehicle.

(2) The tax shall be collected by the county [court] clerk or other officer with whom the vehicle is required to be registered:

(a) When he collects the registration fee for registering and licensing a motor vehicle the first time it is offered for registration in this state,

(b) Or upon the transfer of ownership of any motor vehicle previously registered in this state.

(3) The tax collected by the county clerk under this section shall be reported and remitted to the department of revenue on forms provided by the department and on such forms as the department may prescribe. The county clerk shall for his services in collecting the tax be entitled to retain an amount equal to two and one-half percent of the tax collected and accounted for.

(4) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, or transfer the ownership of any motor vehicle previously registered in this state, unless the owner or his agent pays the tax levied under this section in addition to the transfer, registration and license fees.

(5) When a resident of this state offers a motor vehicle for registration for the first time in this state which was registered in another state that levied a tax substantially identical to the tax levied under this section, such person shall be entitled to receive a credit against the tax imposed by this section equal to the amount of tax paid to the other state. No credit shall be given under this subsection for taxes paid in another state if that state does not grant similar credit for substantially identical taxes paid in this state.

(6) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, unless the seller or his agent delivers to the county clerk or other officer a certified or photostat copy of the manufacturer's price label for passenger cars or a certified or photostat copy of the itemized billing to the customer in the case of all other motor vehicles; and the clerk shall attach the certified or photostat copy to the copy of the certificate of registration and ownership mailed to the department.

(7) Notwithstanding the provisions of KRS 138.450(3), in no case shall the tax be less than five dollars ($5.00) upon first registration of or any transfer of ownership of a motor vehicle in this state, except where such vehicle is exempt from tax under 138.470.

(8) Where a new motor vehicle is sold by a dealer in this state and the original purchaser returns the vehicle for any reason to the same dealer within ten (10) days for a new vehicle replacement, the purchaser shall be entitled to a refund of the amount of usage tax received by the department of revenue as a result of the registration of the returned vehicle. The registration of the returned vehicle shall be cancelled and the vehicle shall be considered to have not been previously registered in Kentucky when resold by the dealer.

(9) When a manufacturer replaces for the original purchaser within ninety (90) days a new motor vehicle because of malfunction or defect, the purchaser shall be entitled to a refund of the amount of motor vehicle usage tax received by the department of revenue as a result of the first registration. No person shall be entitled to a refund unless he shall have filed with the department of revenue an affidavit from the manufacturer identifying the vehicle that was replaced and stating the date of replacement.

Section 284. KRS 140.270 is amended to read as follows:

(1) In the absence of administration in this state upon the estate of a nonresident, the department of revenue, at the request of a personal representative duly appointed and qualified in the state of the decedent's domicile, or of a grantee under a conveyance made during the grantor's lifetime, and upon satisfactory evidence furnished by the personal representative or grantee, or otherwise, may determine whether or not any property of the decedent within this state is subject to the provisions of this chapter. If so, the department may determine the amount of tax and adjust the same with the personal representative or grantee, and for that purpose may appoint an appraiser to appraise the property. The expense of appraisal shall be charged upon the property in addition to the tax. The department's certificate of the amount of tax and its receipt for the amount therein certified may be filed *with the county judge/executive* [in the county court] of the county

where the property is located, and when so filed shall be evidence of the payment of the tax to the extent of such certification. When the tax is not adjusted within six (6) months after the death of the decedent, the proper district court, upon application of the department, shall appoint an administrator in this state.

(2) When evidence of ownership of intangible personal property belonging to a nonresident decedent is found to be physically located in this state, the department of revenue shall so inform the state official collecting death tax in the state of domicile of the decedent, if that state furnishes like information to the department of revenue of this state in a reciprocal manner.

Section 285. KRS 142.015 is amended to read as follows:

The county [court] clerk, in each county, shall be allowed five per cent (5%) commission on the amounts collected for state taxes on legal processes and instruments provided for under KRS 142.010, said five per cent (5%) commission to be retained by the county clerk on said sums reported to the department of finance and paid by the county clerk into the state treasury.

Section 286. KRS 147.630 is amended to read as follows:

(1) The area planning commission as created under the provisions of KRS 147.610 to 147.710 shall be composed of not more than nine (9) members who shall be selected from governmental units participating in the existence of the area planning commission by the affirmative action of the area council hereinafter provided for.

(2) Of the initial membership five (5) members shall be elected for a term of two (2) years, and four (4) members for a term of one (1) year each, and upon the expiration of their respective terms the successors of each shall be elected for a term of two (2) years.

(3) At its first regular meeting in each year, the commission shall elect from its membership a chairman and a vice-chairman. The vice-chairman shall have the authority to act as the chairman during the absence of its chairman.

(4) The commission may appoint from within or without its own membership, a secretary, prescribe his duties and fix his compensation.

(5) Members of the commission may be removed for cause by an affirmative action of the area council.

(6) Vacancies may be filled at any time by the affirmative action of the area council for the unexpired term existing.

(7) Each member of the commission, before entering upon his official duties, shall take and subscribe to an oath that he will honestly, faithfully, and impartially perform the duties of his office, and that he will not be interested in any contract let for the purpose of carrying out any of the provisions of KRS 147.610 to 147.710. The oath shall be filed with the *county* clerk [of the county court] in the county of his residence.

(8) Each member of the commission shall give a good and sufficient bond, to be approved by the area council, conditioned upon the faithful and honest performance of his duties, and as security for all moneys coming into his hands or under his control. The cost of the bond shall be paid by the commission.

(9) A quorum shall consist of a majority of the members of the commission.

(10) The commission shall appoint a treasurer from within or without its membership, prescribe his duties and fix his compensation. The treasurer shall execute a good and sufficient bond, conditioned upon the faithful and honest performance of his duties and as security for all moneys coming into his hands or under his control. Said bond shall be in the penal sum of twenty-five thousand dollars ($25,000). The cost of the bond shall be paid by the commission.

(11) Meetings shall be held at the call of the chairman.

Section 287. KRS 149.580 is amended to read as follows:

(1) The sheriff shall collect the assessment at the same time and in the same manner in which he collects the state and county ad valorem tax. He shall issue a receipt to the taxpayer, report to the county *judge/executive* [court], and make his annual and final settlements with the fiscal court at the same time and in the same manner provided by law for his report and settlement of county and state taxes.

(2) Such assessments shall become due and payable on the date, and subject to the same discounts, delinquency date, and penalties provided in KRS 134.020 for state, county and district taxes.

Section 288. KRS 150.025 is amended to read as follows:

(1) If the commissioner, with the concurrence of the commission, and after giving due regard to the public recreation and sport afforded thereby, the economic value and breeding habits of any species, class, type or breed of wildlife, either native or imported, finds that the supply thereof has become unduly depleted or finds that, because of adverse weather conditions, floods, disease, fire, inadequate food supply, breeding conditions, lack of cover, unequal distribution, excessive destruction or widespread violations of the fish and wildlife laws or for any other reason, there is serious danger that the continued supply thereof may be depleted, the department shall adopt such regulations as may be necessary and proper to restore supply or to

prevent the further depletion thereof. Such regulations may be made to apply to a limited area or to the entire state.

(2) In carrying out the provisions of this section the department may, by regulations:

(a) Fix, close, terminate, shorten or divide open season, or make open seasons conditional;

(b) Regulate bag or creel limits and possession limits;

(c) Regulate buying, selling or transporting;

(d) Regulate the size or type of any device used for taking, and regulate any method of taking;

(e) Regulate or restrict the places where taking is permitted;

(f) Regulate taking, or the opening or closing of seasons, in waters in which the department is conducting experiments or making improvements for the purpose of promoting the conservation of wildlife, and increasing the supply thereof;

(g) Make any other regulations reasonably necessary to implement or carry out the purposes of this chapter.

(3) The commissioner shall cause the text of every regulation to be published immediately after filing, once in two (2) newspapers having statewide circulation. The commissioner shall also mail two (2) copies to the county [court] clerk of each county in which the regulation is applicable, one (1) copy of which shall be posted on the courthouse door or bulletin board. The commissioner shall also cause to be prepared news releases concerning all regulations for distribution to radio, television and newspaper media.

(4) This section shall apply to KRS chapter 150 and no other KRS chapter pertaining to this subject shall apply to KRS chapter 150.

Section 289. KRS 150.240 is amended to read as follows:

(1) The commissioner, with the approval of the commission, may contract with any landowner of the state, for a specified term of years, to set aside and maintain land as a game refuge. Any such contracts may be recorded in the county [court] clerk's office of the county in which the land is situated.

(2) The commissioner, with the approval of the commission, may issue permits for public or commercial shooting areas, and shall adopt regulations governing same.

Section 290. KRS 150.525 is amended to read as follows:

No person may engage in the buying of mussel shells or mussels in the shell in this state unless he has in his possession a license authorizing him to do so. The annual fee for such license shall be one hundred dollars ($100) for a resident of this state, and three hundred dollars ($300) for a nonresident of this state. Such license shall be issued by the department, either directly or through such county [court] clerks as the commissioner may designate for the purpose.

Section 291. KRS 150.990 is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the commissioner thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the commission hereunder, for which no definite fine or imprisonment is fixed, shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(3) Any person who violates any of the provisions of subsection (3) of KRS 150.090, subsections (1) and (2) of KRS 150.180, KRS 150.300, KRS 150.330, subsection (2) of KRS 150.360, KRS 150.485 or KRS 150.600 shall be fined not less than twenty-five ($25.00) nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months, or both.

(4) Any person who violates any of the provisions of KRS 150.460 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned for not more than six (6) months, or both, and in addition to such penalties shall be liable to the department in an amount reasonably necessary to restock such fish or replenish such other wildlife which has been killed or destroyed.

(5) Any licensee who violates any provisions of this chapter or any regulations adopted by the commissioner thereunder shall, in addition to the penalties provided in subsections (2), (3) and (4) of this section, forfeit his license and shall not be permitted to purchase another license for the same calendar year.

(6) Any county [court] clerk or deputy who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(7) Any person who violates any provisions of KRS 150.390 shall be fined not less than one hundred dollars ($100), nor more than five hundred dollars ($500).

(8) Any person who violates KRS 150.525 shall be fined not less than twenty-five dollars ($25.00), nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months, or both.

(9) Any person who violates any regulation which has been or may be hereafter adopted by the commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

(10) Any person violating the provisions of subsection (1) of KRS 150.670, shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(11) Any nonresident who violates KRS 150.235, subsection (3), shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200).

(12) No fines, penalty, or judgment assessed or rendered under this chapter shall be suspended, reduced or remitted otherwise than expressly provided by law.

(13) Any person who violates any provision of KRS 150.183 shall be fined not less than one hundred dollars nor more than five hundred dollars for each violation.

Section 292. KRS 160.320 is amended to read as follows:

Any board of education may make provision for roads or passways to its school buildings to accommodate all pupils who are entitled to attend school, and may apply to the county *judge/executive* [court] or the governing authority of the city having jurisdiction to open the same as other roads and passways are opened for public necessity and convenience. If there is no road or passway from the residence of any pupil to the school building which he attends it shall be lawful for such pupil, in attending school, to walk over the property of any person between the residence of the pupil and the school building.

Section 293. KRS 162.540 is amended to read as follows:

Upon receiving a request in writing from a board of education, the authority may, in its discretion, assist such board of education in financing any project by acting in the capacity and manner authorized to be performed by cities under KRS 162.120 to 162.290, and by counties under KRS 162.300. When applied to the authority, KRS 162.120 to 162:300 shall be so read that the following terms and passages have the following respective meanings or interpretations:

(1) "City" or "county" means "authority";

(2) "City clerk" or "county clerk" means "secretary or assistant secretary of the authority";

(3) "Governing body of the city" or "fiscal court" means "authority";

(4) "Mayor or chairman of the board of trustees" or "county judge*/executive*" means "chairman or vice-chairman of the authority";

(5) "Ordinance" in the case of a city, or "resolution" in the case of a county, means a resolution of the authority;

(6) "Building and appurtenances" means "project" as defined in subsection (5) of KRS 162.520;

(7) The last sentence of KRS 162.190 shall read, "It shall be plainly stated on the face of each bond that it was or is issued under the provisions of KRS 162.520 to 162.620 (omitting reference to KRS 162.150 to 162.280 as such), and that it does not constitute an indebtedness of the authority or of the Commonwealth";

(8) KRS 162.200 is modified to permit use of money received from bonds for the additional purpose of paying reasonable expenses incurred in the authorization, advertising, preparation, sale and delivery of bonds, and may include a fee contracted to be paid to a fiscal agent for financial advice and services if the contract or agreement therefor shall have been approved by the board of education and by the authority;

(9) As used in KRS 162.140, "lease" shall have the meaning defined in subsection (6) of KRS 162.520, and the same shall be recorded or filed for recording in the office of the *county* clerk [of the county court] of the county in which the project is situated, as evidenced by a written receipt or acknowledgment of filing issued by such clerk, or by a copy of the lease attested or certified by such clerk as being of record in his office. It shall be the duty of the secretary of the authority to obtain such evidence before delivery of the bonds to a purchaser thereof; but failure to obtain the same shall not affect the validity of the bonds in the hands of any purchaser or holder;

(10) KRS 162.240 shall not apply; and the following provisions shall govern in lieu thereof:

"One or more depositories and paying agents may be selected and designated by the board of education, subject to the approval of the authority, which approval shall not unreasonably be withheld; but each depository and paying agent shall be a financial institution, within or without the Commonwealth, which is a member of federal deposit insurance corporation. All deposits of sinking funds and of bond proceeds shall continuously be secured by a pledge to the authority of direct obligations of the United States, exclusive of accrued interest, at all times at least equal to the balance on deposit in the fund or account, such securities to be deposited with the authority or held by a trustee or agent designated by the authority; Provided, however, in lieu of requiring such security the authority may in its discretion invest, or cause to be invested and reinvested, any moneys in direct obligations of the United States until such time as cash funds may be needed, and the authority may prescribe for the custody and safekeeping of such securities. When cash funds are needed, the authority shall direct the conversion into cash of such securities, or a sufficient portion thereof, and may require that the same be secured until disbursement, as herein provided. All income from such securities shall accrue to the board of education, but may be retained by the authority and credited upon any rental obligation of the board of education under the lease, or applied to supplement bond proceeds if the same should for any reason turn out to be insufficient to defray the costs and expenses of the project."

Section 294. KRS 164.625 is amended to read as follows:

(1) The director of extension is hereby authorized to promulgate regulations relating to the establishment of and continuation of extension councils. Said regulations may apply to a specific county.

(2) An extension council shall be established for each extension district. Each extension council shall be organized under regulations approved by the director of extension and shall be comprised of not less than fifteen (15) citizens nor more than forty (40) citizens of the county in which the extension district is located, subject to the provisions of subsection (2) of KRS 164.635. All members of the extension council shall be appointed by the county groups and organizations of the county whose major interest is in agriculture and home economics such as farm bureaus, homemaker councils, 4-H Club councils and various commodity groups but is not necessarily limited to those mentioned. In event of question the eligibility of a group to appoint to the extension council shall be determined by the director of extension. The number of members of each extension council shall be determined by the size of the county, the diversity of agricultural interests of the county, and other like factors and shall be according to regulations mentioned in subsection (1) of this section. Each extension council shall adopt a set of bylaws providing for its operation and terms of membership according to the same regulations.

(3) All regulations issued under the provisions of this section shall be filed in accordance with KRS 13.085. Immediately after filing, the director of extension shall cause the text of every regulation to be published pursuant to KRS chapter 424. The director of extension shall also mail two (2) copies of every regulation to the county [court] clerk of the county in which the regulation is applicable, one (1) copy of which shall be posted on the courthouse door or bulletin board. Additional distribution may be made at the discretion of the director of extension.

Section 295. KRS 172.180 is amended to read as follows:

Any county may adopt the following method of financing the cost of operation and maintenance of the county law library, in lieu of the method set out in KRS 172.130 or 172.170:

(1) Upon petition of three-fourths (3/4) of the duly licensed and practicing attorneys resident in the county addressed to the circuit judge of the county, to the effect that they, as officers of the various courts of the county, recognize the need of a more adequate county law library, there being attached to said petition an attested copy of a resolution of the fiscal court of the county indorsing the adoption of this optional method of financing the cost of operation and maintenance of the county law library, the circuit judge shall enter an order noting that said optional plan for the financing of the cost of operation and maintenance of the county law library has been adopted.

(2) The order shall set forth the name of each duly licensed and practicing attorney signing said petition, and the [county court] order book and page number containing the resolution of the fiscal court.

(3) The order shall direct the following:

(a) That upon receipt of the order by the clerks of said courts there shall be taxed as costs in all criminal actions, except examining trials and felony trials, thereafter instituted in said court the following fee, which shall be designated as county law library fee, in district court, a sum not to exceed fifty cents (50¢); in circuit and district courts, on all civil actions a sum not to exceed one dollar ($1.00); and

(b) That the circuit clerk shall at the end of each month, pay all sums collected as county law library fee during the preceding month, to the trustees of the county law library, and the clerk shall make a full report with said payment, and receive a receipt for all payments.

Section 296. KRS 173.470 is amended to read as follows:

Districts shall be organized in the following manner:

(1) Upon the filing of a duly certified petition of one hundred (100) or more duly qualified voters in each county to be included within the territorial limits of the proposed district, the fiscal court of each county in the proposed district shall adopt a resolution submitting to the qualified voters of the county the question as to whether a public library district should be established for the area and a special ad valorem tax imposed for the maintenance and operation of the district, not to exceed twenty cents (20¢) on each one hundred dollars ($100) of the assessed valuation of all property in the district. A certified copy of the order of the fiscal court shall be filed with the county [court] clerk at least sixty (60) days prior to the next regular election and thereupon the clerk shall cause the question to be placed upon the ballot.

(2) The question shall be in substantially the following form: "Are you in favor of establishing a public library district for (insert names of counties) which shall have the authority to impose a special ad valorem tax

of (insert exact amount) on each one hundred dollars ($100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) public library district?"

(3) If a majority of those voting in each county on the question favor the establishment of a public library district it shall be so established and shall constitute and be a taxing district within the meaning of section 157 of the constitution of Kentucky.

(4) All special ad valorem taxes authorized by KRS 173.450 to 173.650 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

Section 297. KRS 173.630 is amended to read as follows:

A district may be dissolved in the following manner:

(1) Upon filing of a duly certified petition of ten per cent (10%) or more of the qualified voters in the district or one hundred (100) or more qualified voters in the district, whichever is more, the fiscal court of each county in the district shall adopt a resolution submitting to the qualified voters of the district the question as to whether the district shall be dissolved. A certified copy of the order of each fiscal court shall be filed with the county [court] clerk at least ninety (90) days prior to the next regular election and thereupon the clerk shall cause the question to be placed upon the ballot.

(2) The question shall be in substantially the following form: "Are you in favor of dissolving the (insert name of district) public library district?"

(3) If a majority of those voting on the question within the district favor the dissolution such district shall thereupon be dissolved.

Section 298. KRS 173.720 is amended to read as follows:

Districts shall be organized in the following manner:

(1) Upon the filing of a duly certified petition of fifty-one per cent (51%) or more of the number of duly qualified voters who voted in the last general election in each county to be included within the territorial limits of the proposed district, the fiscal court of each county in the proposed district shall adopt a resolution ordering the levy of a tax of not more than twenty cents (20¢) on each one hundred dollars ($100) worth of property assessed for local taxation. Such petition shall be filed with the fiscal court in each county in the proposed district not later than ninety (90) days after the date of the first signature on the petition. A certified copy of the order of the fiscal court shall be filed within thirty (30) days with the county [court] clerk who will add the levy to the next annual tax bill of the county or counties concerned.

(2) The petition shall be in substantially the following form:

The following duly qualified voters of (insert name of county or counties) hereby petition the fiscal court of each county concerned to establish a public library district for (insert name of county or counties) which shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars ($100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) public library district.

(3) The petition shall contain the following: The name and address of each petitioner and the date upon which he signed the petition.

(4) All special ad valorem taxes authorized by KRS 173.710 to 173.800 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

Section 299. KRS 173.790 is amended to read as follows:

(1) The special ad valorem tax rate for the maintenance and operation of a public library district provided for by KRS 173.710 to 173.800 shall not be increased or decreased unless a duly certified petition requesting an increase or decrease in the tax rate of a specifically stated amount is signed by 51 percent of the number of duly qualified voters voting at the last general election in each county in the district. Such petition shall be filed with the fiscal court in each county in the district not later than ninety days after the date of the first signature. The fiscal court shall order the court to increase or decrease the ad valorem tax, as stated in the petition.

(a) The petition shall read, "The following duly qualified voters of (insert name of county or counties) hereby petition the fiscal court of each county concerned to increase (or decrease) the special ad valorem tax from (insert exact amount) to (insert exact amount) on each $100 worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) public library district."

(b) The petition shall contain the following: The name and address of each petitioner and the date upon which he signed the petition.

(2) Any increase provided for in subsection (1) of this section shall not exceed twenty cents on each $100 of the assessed valuation of all property in the district.

(3) A petition requesting a decrease in the tax rate will not be considered of any legal effect if, at any time prior to the filing of such a petition for decrease, either:

(a) Contractual obligations have been assumed by pertinent contracting authorities in connection with said subject library, which contractual obligations would be adversely affected by any such decrease; or

(b) If, as of the time of filing of such a petition for decrease, the board of such district shall have arranged for the financing of a library in that district pursuant to a plan of financing involving a lease of that library to the board under which lease the board is not bound for more than one year at a time without exercising an annual option to renew the lease and such lease remains effective and has not been terminated; or

(c) If less than three years have passed since the certified copy of the order of the fiscal court ordering the levy of the tax was filed with the county [court] clerk.

Section 300. KRS 173.800 is amended to read as follows:

A district may be dissolved in the following manner:

(1) Upon filing of a duly certified petition of 51 per cent of the number of qualified voters who voted in the last general election in the district, the fiscal court of each county in the district shall adopt a resolution to dissolve a library district.

(2) The petition shall be in substantially the following form: "The following qualified voters in (insert name of county or counties) favor dissolving the (insert name of district) public library district." It shall be presented to the fiscal court within ninety (90) days after having been signed by the first petitioner.

(3) A certified copy of the order of the fiscal court shall be filed with the county clerk.

(4) The county clerk or clerks in the district will thereupon remove the tax levy from the tax bills of the property owners of the district and the district shall be dissolved.

(5) A petition for dissolution will not be considered of any legal effect if, at any time prior to the filing of such a petition for dissolution, either:

(a) Contractual obligations have been assumed by pertinent contracting parties in connection with said subject library, which contractual obligation would be adversely affected by any such dissolution; or

(b) If, as of the time of filing of such a petition for dissolution, the board of such district shall have arranged for the financing of a library in that district pursuant to a plan of financing involving a lease of that library to the board under which lease the board is not bound for more than one (1) year at a time without exercising an annual option to renew the lease and such lease remains effective and has not been terminated; or

(c) If less than three (3) years have passed since the certified copy of the order of the fiscal court ordering the levy of the tax was filed with the county [court] clerk.

(6) After all contractual obligations, existing prior to the time of the attempted filing of such petition for dissolution, have been satisfied, then, at such time, a petition for dissolution may be effectively filed under this section, provided that other provisions of this section are complied with.

Section 301. KRS 177.700 is amended to read as follows:

(1) The state property and buildings commission (hereinafter sometimes referred to as the "commission") is enjoined to continue its best efforts to sell and issue the heretofore unissued thirty million dollars ($30,000,000) of the Commonwealth's general obligation bonds, as provided in KRS 177.580 to 177.630, which was approved by the voters at the election held on November 6, 1956 (such bonds, for convenience, being sometimes hereinafter referred to as the "unissued 1956 bonds"; and the aforesaid issue of which the same constitute a part being sometimes hereinafter referred to as the "1956 bonds"). In doing so, the commission shall in all respects observe the restrictive conditions presently applicable to said unissued 1956 bonds, in that any sale or sales shall be for not less than par or face amount with accrued interest to delivery, and at a rate or rates of interest not exceeding, as to any bond, three per cent (3%) per annum, payable semiannually, and all of such bonds shall be caused to mature as to principal within thirty (30) years from January 1, 1957.

(2) Unless said unissued 1956 bonds are successfully sold by the commission on or prior to August 31, 1960, a proposal as set forth in KRS 177.700 to 177.820 shall be submitted to the qualified voters of the Commonwealth at the regular election scheduled by law to be held on November 8, 1960, seeking the voters' authorization and approval of removing, as to said unissued 1956 bonds, the three per cent (3%) interest rate limitation presently applicable thereto. Inasmuch as said unissued 1956 bonds have been taken into account in determining the amount of money otherwise necessary to be provided through issuance of additional bonds as hereinafter set forth, such proposal that the voters remove said existing interest rate limitation as to the unissued 1956 bonds shall appear on the ballots at the election to be held on November 8, 1960, as a part of the ballot question submitting for authorization and approval KRS 177.700 to 177.820 as a whole and the proposed issuance of an additional one hundred million dollars ($100,000,000) of general obligation bonds of

the Commonwealth for state parks, and for highways, bridges and tunnels, as hereinafter provided. In such event the form of the question which shall be caused to appear upon the ballots at the election on November 8, 1960, shall be as set forth in KRS 177.740.

(3) In the event the said unissued 1956 bonds are successfully sold by the commission on or prior to August 31, 1960, according to the presently existing interest rate limitation, the commission shall, not later than September 1, 1960, so notify the secretary of state of the Commonwealth; and inasmuch as there will then no longer be any occasion to seek authorization of the voters for removal of said interest rate limitation, the question to appear upon the ballots submitting KRS 177.700 to 177.820 for authorization and approval of the voters at the election on November 8, 1960, shall be as provided in KRS 177.750.

(4) Based upon representations made by the commission as set forth in this section the secretary of state shall, after September 1, 1960, determine whether the form of question to be used in submitting KRS 177.700 to 177.820 to the voters for authorization and approval at the election on November 8, 1960, shall be as set forth in KRS 177.740, or as set forth in KRS 177.750, and shall certify the applicable form of ballot question to the respective county [court] clerks at the same time that candidates for public office are provided to be certified pursuant to KRS 119.140; and when each county [court] clerk causes the ballots to be printed according to KRS 118.190 the form of question so certified by the secretary of state shall be caused to appear thereon with appropriate spaces for the voters to designate "Yes" or "No" as provided in KRS 118.170 (3).

Section 302. KRS 177.760 is amended to read as follows:

KRS 177.700 to 177.820 shall be submitted to the people of the Commonwealth at the general election to be held on November 8, 1960. The fact of such submission shall be publicly advertised in the following ways:

(1) It shall be the duty of the secretary of state, immediately after September 1, 1960, to determine whether the ballot question shall be the one set forth in KRS 177.740, or the one set forth in KRS 177.750, and to inform the attorney general of the Commonwealth of such determination. It shall then be the duty of the attorney general to prepare and furnish to the secretary of state, not later than September 15, 1960, a form of "Notice of Election," which shall be so designated, shall conform to any requirements otherwise provided by law for notices of elections, and further shall set forth the proper ballot question in full, and KRS 177.700 to 177.820 in full, with provisions for the signature of the secretary of state. The secretary of state shall transmit a copy of such form of "Notice of Election" to each of five (5) daily newspapers of bona fide general circulation, published in different areas of the Commonwealth and selected in the discretion of the secretary of state, with directions that the same be published in each of such newspapers in the form of a legal notice, in one (1) issue published in each of the calendar weeks commencing on Mondays, October 10, 17, 24, and 31, 1960, but not in any Sunday issue. Each such newspaper shall publish the same as directed, in the size type customarily used by it in publishing legal notices, and shall be entitled to payment according to its standard prevailing rate for publication of legal notices. After the last publication, each such newspaper shall provide to the secretary of state, with or before its bill for publication, at least three (3) copies of an affidavit sufficient to constitute proper proof of publication, and if the secretary of state finds the same to be in order he shall be authorized to draw a warrant upon the state treasurer for payment from uncommitted moneys in the general fund of the Commonwealth.

(2) The secretary of state shall deliver a copy of said form of "Notice of Election" to the state printer, and thereupon the state printer shall promptly prepare and furnish to the secretary of state at least 125 copies of such notice in the form of handbills of sufficient size and type composition as to be ordinarily legible. The secretary of state shall furnish a copy of the notice in such handbill form to the *county* clerk [of the county court] of each county of the Commonwealth, and it shall be the duty of each county [court] clerk, upon receiving the same, to post the same at or near the county courthouse door, or otherwise as notices of judicial sales and other court proceedings are customarily posted.

(3) Each county [court] clerk shall cause a facsimile of the ballot question to be published as may be required by law.

(4) If the secretary of state shall perform in proper and timely fashion each of the duties provided in this section to be performed by him, any failure of others to perform duties and functions as herein provided shall not invalidate the election as to approval or disapproval of KRS 177.700 to 177.820, if upon consideration of the Commonwealth as a whole, it shall appear that the qualified voters were fairly apprised of the election.

Section 303. KRS 178.010 is amended to read as follows:

(1) As used in this chapter, unless the context otherwise requires:

(a) "Construction" includes reconstruction and improvement;

(b) "County roads" are public roads which have been accepted by the fiscal court of the county as a part of the county road system or private roads, streets, or highways which have been acquired by the county pursuant to KRS 178.405 to 178.425. "County roads" includes necessary bridges, culverts, sluices, drains, ditches, waterways, embankments or retaining walls. "County roads" also includes roads or segments of roads which have been eliminated from the state primary road system by order of the commissioner of highways and transferred to the counties pursuant to KRS 178.030;

(c) "Hard surface road" means a road the surface of which is asphalt, brick, stone block, macadam, concrete, gravel or other material of equal merit.

(2) Nothing in this chapter shall be construed to take from the jurisdiction or control of the legislative body of any incorporated city, any road, bridge, landing or wharf, or any other thing exclusively under the jurisdiction or control of such city.

(3) Nothing in this chapter shall prevent any *fiscal* [county] court from acquiring land by gift for public purposes.

Section 304. KRS 178.040 is amended to read as follows:

(1) In order to change the width of a county road, the fiscal court shall make a special order for a different width. The order shall be recorded in the office of the county clerk. In order to change the width of the right of way of a portion of a county through road system the fiscal court of a county containing a city of the first class may make a special order for a different width. The order shall be recorded in the office of the county road engineer.

(2) All county roads hereafter established shall occupy a right of way not less than thirty (30) feet wide, but the *fiscal* [county] court may order it to be a greater width. All roads added to the county through road system in a county containing a city of the first class in accordance with KRS 178.333 shall occupy a right of way width as ordered by the fiscal court.

(3) In acquiring a right of way for a county through road within any city, the fiscal court or the county court of a county containing a city of the first class may exercise any powers granted them by statute for the acquisition of property.

Section 305. KRS 178.060 is amended to read as follows:

(1) The county road engineer may change the location of any county road in his county with the written consent of the owner of the land on which a change is to be made, setting forth the exact changes proposed. The proposed change and the owner's consent shall be entered in the form of an agreed order of the *fiscal* [county] court and subject to the approval of the county judge*/executive*.

(2) The change shall not materially increase the length or grade or require more work to keep the road in repair, or place the road on worse ground than it was before the change, or render the road in any respects worse than it was before the change.

(3) If the county road engineer makes a change in violation of the provisions of this section, the part of the road thus altered shall not be established as a county road, and the former location shall be continued as such.

Section 306. KRS 178.080 is amended to read as follows:

(1) When any person desires the establishment or alteration of a public road, bridge or landing, he shall petition the *fiscal* [county] court setting forth in his petition specifically the nature and location of the proposed work. The court shall thereupon appoint two (2) viewers who, together with the county road engineer, shall view the ground and report in writing the advantages and disadvantages which, in their opinion, will result to the individual and to the public from the proposed work and the grades and bearings of the proposed road, and other facts and circumstances that may enable the *fiscal* [county] court to determine whether the work ought to be undertaken by the county.

(2) If the petition is for the establishment or alteration of a public road leading from a main public road, the report shall set out whether such road should be established, stating specifically whether it would be necessary to take any burying ground, garden, yard, orchard, or any part thereof, or to injure or destroy any buildings and the probable cost of the work, the names of the landowners whose property would have to be taken or injured, which of them would require compensation and the probable amount to which each would be entitled. They shall make careful examination of routes or locations other than that proposed or petitioned for, keeping in view the possible future development of the county and the accommodations of the general traveling public, and shall report in favor of the one they prefer, giving reasons for the preference. A map giving the grades and bearings of the routes or locations shall be returned with the report.

(3) If it appears to the *fiscal* [county] court that the interests of the general public may be furthered thereby, the *fiscal* [county] court shall personally examine the proposed work. If the court decides to undertake the proposed work the county judge/executive shall appoint a day for hearing the parties interested, and cause notices thereof to be given to all interested parties.

(4) If the *county judge/executive* [court] at any time has sufficient evidence before *him* [it] to enable *him* [it] to ascertain what would be a just compensation to the proprietors and tenants, and if the proprietors and tenants are willing to accept what the *county judge/executive* [court] deems just, the *county judge/executive* [court], upon such acceptance being reduced to writing and signed by the proprietors and tenants, may determine to undertake the work, subject to the consent and approval of the fiscal court.

Section 307. KRS 178.090 is amended to read as follows:

Where the petition is for the establishment or alteration of a public road leading from the main public road, the court may refuse to undertake the proposed work or abandon it after having undertaken it, unless the petitioner, or someone for him, deposits with the *fiscal* [county] court a sum sufficient to pay all damage and cost sustained by reason of the establishment or alteration of the road. In such case the court may, if it thinks proper, establish the road upon condition that the petitioner shall pay all costs and damages, and make and keep the road in repair, and the court may also impose upon the petitioner, his heirs and assigns, and upon the public, such other conditions in reference to the road as the court finds just.

Section 308. KRS 178.100 is amended to read as follows:

From a decision of the *fiscal* [county] court ordering a new road to be opened, or ordering an alteration or discontinuance of an existing road, or allowing gates to be erected across a road or abolishing existing gates, or a decision refusing any such order, the party aggrieved may bring an [original] action in the circuit court to contest the decision of the fiscal court.

Section 309. KRS 178.110 is amended to read as follows:

(1) If the court decides to establish or alter a county road, bridge or landing, and the compensation to be paid for the right of way cannot be fixed by agreement, the right of way shall be condemned under the procedure set forth in the Eminent Domain Act of Kentucky.

(2) In case of roadbeds or bridges, or a portion of them, washing or slipping away, or in case of extreme emergency, and when in its judgment conditions warrant it, the *fiscal* [county] court may immediately open and have surveyed a road or passway to be temporarily used while the commissioners appointed under the Eminent Domain Act of Kentucky are acting, or while the matter is pending in the court to establish a permanent road or passway, and the commissioners shall assess the damages of the temporary road or use thereof. The same proceedings shall be had to recover damages as in recovery in regard to other roads.

(3) But when such compensation is ascertained it shall be at the option of the *fiscal* [county] court to pay it or to abandon the proposed undertaking. If it decides to pay the compensation, the fiscal court of the county shall include in its next levy an amount sufficient therefor.

(4) Not more than two (2) acres shall be condemned for a landing.

Section 310. KRS 178.117 is amended to read as follows:

(1) Any person or corporation, public or private, or any group of such persons or corporations or both residing in or owning property adjacent to any publicly dedicated road in unincorporated territory in a county containing a city of the first class desiring to make any improvements to the publicly dedicated road shall submit to the *fiscal* [county] court for approval plans and specifications for its improvements at their own expense. Any such request for private improvement shall include all the information required by KRS 184.020 to accompany a request for the creation of a public road district pursuant to that section.

(2) The sponsors of the private improvement of the publicly dedicated road shall present their request, together with the attached maps and estimates of cost, to the *fiscal court* [county judge/executive], who shall turn over to the county engineer for his consideration the maps and estimates of cost. In considering whether to permit the requested improvement, the *fiscal court* [county judge/executive] and the county engineer shall follow the same procedures provided for in KRS 184.040 and 184.050, and the same appellate rights provided for in these sections are available to the petitioners. When the county engineer receives from the *fiscal court* [county judge/executive] an application for approval of plans or specifications for the private improvement of publicly dedicated roads by some individual or corporation, or a combination thereof, the county engineer shall be authorized and empowered to examine, inspect and investigate, as seems to be advisable, the sufficiency of the improvements which the application seeks to serve the purposes intended, and to establish and make reasonable charges for such services on the basis of a schedule adjusted according to the services required to make such investigation or on any other reasonable method.

(3) When it appears to the county engineer that the completion of the improvement by or on behalf of any such individual or corporation requires inspection and supervision in order to assure the protection of the public safety and the proper subsequent completion of such work for the purposes intended, the county engineer shall include such findings in his recommendation to the *fiscal court* [county judge/executive] approving, modifying or disapproving the particular plans and projects, and shall charge such person or corporation for such inspection and supervision on the basis of the actual cost of inspection plus a reasonable additional cost of supervision.

Section 311. KRS 178.170 is amended to read as follows:

(1) The fiscal court, after an election as provided in subsection (2), may issue and sell bonds for the purpose of constructing or reconstructing public roads and bridges. The bonds shall bear interest not to exceed five per cent (5%) per annum, with coupons attached, payable semiannually, and shall be in denominations of not less than one hundred dollars ($100) nor more than one thousand dollars ($1000). The bonds shall mature within forty (40) years, and may be redeemed within that time at the pleasure of the court, and shall be sold at not less than par value and accrued interest.

(2) Upon the petition of one hundred and fifty (150) legal voters who are freeholders of the county, the county court shall [, at a regular term after receiving the petition,] make an order on its order book directing an election to be held in the county on some day named in the petition, but not earlier than sixty (60) days after the application is received by the judge. The order shall direct the sheriff to advertise the election and its object by publication pursuant to KRS chapter 424 and also by printed handbills posted at not less than four (4) public places in each voting precinct in the county and at the courthouse door. The election shall be held under the general election laws. The question shall be: "Are you in favor of issuing .... in bonds for the purpose of building roads and bridges?"

(3) All the money raised by the sale of bonds under this section shall be used solely for the construction of hard surface roads.

Section 312. KRS 178.310 is amended to read as follows:

(1) The *fiscal* [county] court of a county in which any county road or portion thereof is taken for railroad purposes, may, upon petition of any party interested, served upon the railroad company as any other civil process, appoint a committee of three (3) to inquire whether the road or portion thereof is unsafe for travel by reason of the railroad, and whether an alteration of the old road or the construction of a new road is necessary.

(2) The committee shall examine the place where the danger is complained of, and shall give 15 days' written notice to the persons making the complaint and the persons complained of, of an opportunity to be heard. After the hearing, the committee shall report its findings to the *fiscal* [county] court, which may make an order concerning the matter.

(3) If the *fiscal* [county] court orders any alteration or construction, and the railroad company fails to comply with the order, the fiscal court shall have the work done and may recover the cost from the railroad company, in the same manner that the cost of removing obstructions is recovered under KRS 179.280.

(4) This section shall not apply to street railways or to public roads located in incorporated cities which have control of their roads, streets and alleys, or to roads which have been constructed since the railroad.

Section 313. KRS 178.337 is amended to read as follows:

(1) After an engineering and traffic investigation and the receipt of recommendations by the county road engineer, a county through road or a portion thereof established as provided in KRS 178.330 may be detached from the county through road system. The fiscal court shall cause the proposed deletion to be marked on a map to be deposited with county road engineer and to be open to public inspection. The same procedure set forth in KRS 178.330 for the establishment of a county through road system shall be followed in the case of roads or portions of roads detached therefrom. Notice of the proposed deletion from the system shall conform to KRS 424.130 (1) (b). The fiscal court may in its discretion detach or retain the road as a part of the county through road system. The decisions of the fiscal court made in accordance with this section shall be final. Whenever any county through road has been added or detached from the county through road system in accordance with KRS 178.330 to 178.337, the county road engineer shall accordingly amend the map of the county through road system, which map shall at all times be available for public inspection in the office of the county road engineer. Nothing herein shall be construed as automatically deleting from the county through road system any portion of the system in territory which becomes incorporated as a city or which becomes annexed to a city.

(2) Nothing in this chapter shall be construed to take from the jurisdiction or control of the legislative body of any incorporated city, any road, bridge, landing or wharf, or any other thing exclusively under the jurisdiction or control of such city. Provided, however, That roads within a city of the first through sixth classes in a county containing a city of the first class may be made a part of the county through road system, in accordance with KRS 178.330 or 178.333, or both, with the agreement of the legislative body of said city.

(3) Nothing in this chapter shall prevent any *fiscal* [county] court from acquiring land by gift for public purposes.

Section 314. KRS 178.415 is amended to read as follows:

When the fiscal court has made a determination in accordance with the provisions of KRS 178.410 that the road, street, or highway has been dedicated to public use, the county shall have a fee simple title to the part of the road, street, or highway which the plat, filed in the office of the county [court] clerk, indicates as being for street purposes. However, if the road, street, or highway is dedicated in accordance with the provisions of KRS 178.405, and a plat does not exist, then the fiscal court shall establish a fifty (50) foot minimum width as a condition precedent to dedication to public use.

Section 315. KRS 178.990 is amended to read as follows:

(1) Any county road engineer who fails to comply with the provisions of KRS 178.050 shall be fined not less than ten (10) nor more than one hundred dollars ($100) for each offense.

(2) Any county road engineer who makes a change in the location of a road without complying with the provisions of this chapter, shall be fined not less than twenty-five dollars ($25.00).

(3) Any person who injures a sidewalk constructed under the provisions of KRS 178.290 and fails to repair or replace the sidewalk, shall be fined not less than four (4) nor more than fifty dollars ($50.00).

(4) Any owner or occupier of a dam who fails to comply with the provisions of KRS 178.300 shall be fined two dollars ($2.00) for every twenty-four (24) hours of noncompliance. Where a milldam is carried away or destroyed, the owner or occupier shall not be subject to the fine until one (1) month after the mill has been put in operation.

(5) If a fiscal [or county] court *or county judge/executive* wilfully fails to perform any duty required of it by the provisions of this chapter, except KRS 178.170 and 178.210 to 178.240, every member of such court concurring in the failure shall be fined not less than ten (10) nor more than one hundred dollars ($100) by the circuit court of the county.

(6) All fines imposed by this chapter shall be paid into the county road fund, except that in case of a privately owned road or bridge, the fines shall accrue to the owner.

(7) No fines imposed by this chapter shall bar action for damages for breach of contract.

Section 316. KRS 179.070 is amended to read as follows:

The county engineer shall:

(1) Have general charge of all county roads and bridges within his county;

(2) See that county roads and bridges are improved and maintained as provided by law;

(3) Supervise the construction and maintenance of county roads and bridges and other work of like nature undertaken by the fiscal court;

(4) Make reports from time to time as the county or fiscal court directs;

(5) Advise and direct employes of contractors how best to repair, maintain and improve county roads and bridges;

(6) Examine the various formations and deposits of gravel and stone in his county to ascertain the materials most available and best suited for the improvement of roads therein, and, when requested by the bureau of highways, submit samples of such materials and deposits and make a written report concerning the materials;

(7) Establish or cause to be established necessary grades and recommend means of drainage, repair and improvement;

(8) Together with the fiscal court, consider and either reject or approve plans, specifications and estimates submitted for the erection or repair of bridges and the construction or maintenance of county roads;

(9) Inspect, or cause to be inspected, each county road or bridge during its construction or improvement, and certify to the fiscal court the progress of the work and whether or not the work is being done according to the contract, plans and specifications prepared therefor. If he finds that the work is not being done in accordance with the contract, plans and specifications, he may stop any further work thereunder until the fiscal court has inspected and passed upon it;

(10) Remove trees or other obstacles from the right of way of any publicly dedicated road when the tree or other obstacles become a hazard to traffic; and

(11) Make recommendation to municipal authorities in a county containing a city of the first class or the county *judge/executive* [court] of a county containing a city of the first class for the establishment of speed limits by either in accordance with the powers granted to municipal authorities and the county *judge/executive* [court] by KRS 189.390 (4) (a), and make recommendations to the county *judge/executive* [court] for the establishment of parking restrictions by the county *judge/executive* [court] in accordance with KRS 189.390 (4) (c);

(12) Make engineering and traffic investigations and make recommendations based thereupon to the fiscal court of counties containing a city of the first class for the adoption of traffic regulations for any publicly dedicated road in unincorporated portions of the county or for any road made a portion of a county through road system, established in accordance with KRS 178.330 or 178.333, or both, in any manner reasonably calculated to promote the safety and convenience of the traveling public and to protect and preserve the roads and streets. The fiscal court may adopt regulations which may include, but not be limited to, the establishment on roads, designated in the first sentence of this subsection of traffic lanes, the installation or removal of electric signals and other signs and markers, the removal of traffic bumps, the limitation or prohibition of parking, and the regulation or prohibition of a size or weight deemed likely to

impede traffic or injure the streets; Provided, however, That if such regulation of size and weight of vehicles conflicts with state regulations, the latter shall prevail. Nothing herein shall be construed to prevent the fiscal court from contracting with city authorities for the joint installation of signs, markers, and electric signals and for their maintenance.

(13) In counties having the services of a county engineer every person, subdivider, builder, contractor or developer of any construction project shall submit to the county engineer for his written approval a site development plan providing for the proper drainage of surface water from the development or construction site so as to prevent flooding of property in the area. If the proposed site plan does not adequately provide for such drainage the county engineer shall order such changes as necessary before approving the site plan.

Section 317. KRS 179.160 is amended to read as follows:

(1) No county engineer shall employ as a laborer on the public roads, his father, son, son-in-law, grandson, brother, brother-in-law, nephew or first cousin by blood.

(2) *On January 1 and July 1 and at such other times as the fiscal court or the county judge/executive* [At each regular term of the fiscal and county court, and at such other times as the court] requires, the county engineer shall present a full itemized statement of the expenditures made by him since his last report, giving number and names of employes and number of horses employed by him, the time each was employed, the amount paid to and for each, and such other matter as he deems necessary or the court requires. Statements of account shall be prepared according to the public accounting laws of the state, and be certified to by the agent of the county engineer having charge of the work.

Section 318. KRS 179.190 is amended to read as follows:

(1) The county engineer may, with the approval of the fiscal court, purchase gravel, stone or any natural source thereof within the county, for the purpose of grading, repairing or improving the roads of the county, at a price per cubic yard to be approved by the fiscal court.

(2) If the county engineer cannot agree with the owner for the purchase thereof, he may, with the approval of the *fiscal* [county] court, acquire by condemnation, the right to take or use such gravel or stone and to remove it from its natural source, together with the right of way to and from the natural source. No such gravel or stone shall be taken by condemnation within 150 feet of any house or barn, or from any lawn, orchard or vineyard. The purchase price of stone or gravel, and the damages awarded in such condemnation proceedings together with the cost and expenses thereof shall be a county charge and paid out of the money collected therefor as provided by law. If the county abandons any right acquired in this section for five (5) years, or if the county engineer ceases to use the natural source of gravel or stone for the purpose for which it was acquired, the ownership shall revert to the owner of the natural source, or his heirs or assigns, unless the fiscal court has by purchase acquired title to the fee of any land in which case the title shall remain in the county until disposed of by the fiscal court.

Section 319. KRS 179.330 is amended to read as follows:

(1) Every county road shall be known by the name by which it was designated on the map or plat or record in the office of the county clerk of the county in which it is located or by the order of the court establishing the road, or by the deed conveying the right of way for the road to the county.

(2) When the name of any road has been designated as provided in subsection (1) of this section, the name of the road can only be changed by an order of the county *judge/executive* [court]. Such order may be issued on a petition and proceeding in which fifty per cent (50%) or more of the property owners abutting upon the road have joined in the petition or have been summoned for a hearing upon the petition *by the county judge/executive* [in the county court] at a day and time designated for the hearing or in counties containing a city of the first class upon the recommendation of the county engineer and of the planning and zoning commission. On similar proceeding an order may be issued designating a name for any unnamed road in the county.

(3) The fiscal court may cause signs bearing the name of each road as fixed by the county *judge/executive* [court], to be placed on the roads, or it may, by a resolution duly recorded, authorize any person or organization to erect signs, approved as to form by the fiscal court, bearing the name designated to the road by the county *judge/executive* [court].

(4) No person or organization shall remove or damage any sign erected as hereinabove provided for, or erect or place, or cause to be erected or placed, upon a road any sign or signs, indicating, marking, or designating a road by any other name than as hereinabove provided for.

(5) Nothing in this section shall prohibit the department of highways from designating roads built under the supervision of the department of highways, either by name or number.

Section 320. KRS 179.990 is amended to read as follows:

(1) Any county engineer who fails to comply with the provisions of subsection (3) of KRS 179.040 shall be fined five hundred dollars ($500).

(2) Any person who fails to perform the duties imposed by KRS 179.220 and 179.230 shall be fined not less than twenty dollars ($20) nor more than fifty dollars ($50.00).

(3) Any county engineer who fails to publish the notices required by KRS 179.230 shall be fined not less than twenty-five dollars ($25.00), nor more than one hundred dollars ($100).

(4) Any person who violates subsection (2) of KRS 179.240 shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

(5) Any railroad company that fails to comply with the provisions of KRS 179.290 within the specified time, shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) for each failure.

(6) Any county engineer who wilfully fails to comply with the provisions of KRS 179.320 for sixty (60) days after the fiscal court has ordered the guideboards to be erected, shall be fined not more than twenty-five dollars ($25.00).

(7) Any person who violates subsection (4) of KRS 179.330, shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100) for each offense.

(8) Any owner of a toll bridge who fails to repair the bridge when ordered to do so under the provisions of KRS 179.360 shall be fined fifty dollars ($50.00).

(9) Any person who violates subsection (4) of KRS 179.370 shall be fined not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00).

(10) Any person who violates subsection (2) of KRS 179.380 shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

(11) Any county engineer who violates KRS 179.460 shall be fined not less than twenty dollars ($20.00) nor more than one hundred dollars ($100) for each offense.

(12) Any county engineer who fails to perform the duties of his office shall, unless a different penalty is prescribed, be fined not over one hundred dollars ($100).

(13) Any county engineer who fails to cause contractors for county road and bridge work to perform their duties shall be fined not over one hundred dollars ($100).

(14) Any county engineer who fails to prosecute for any penalty provided in KRS Chapters 178 and 179, knowing that the penalty has been incurred, shall be fined twenty-five dollars ($25.00) for each failure to prosecute.

(15) If a fiscal [or county] court *or county judge/executive* wilfully fails to perform any duty required of it by the provisions of this chapter, except KRS 179.230, 179.320 and 179.430, every member of the court concurring in the failure shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100) by the circuit court of the county.

(16) All fines imposed by this chapter shall be paid into the county road fund.

(17) No fine imposed by this chapter shall bar an action for damages for breach of contract.

(18) Any person, subdivider, builder, contractor or developer of any construction project who violates subsection (13) of KRS 179.070 shall be fined not less than five hundred dollars nor more than one thousand dollars for each offense.

Section 321. KRS 180.340 is amended to read as follows:

Every collector of tolls upon any bridge or ferry owned or operated by the state shall, before entering upon the discharge of his duties, take and subscribe to the constitutional oath of office. The oath shall be executed either *before the county judge/executive* [in the county court] of the county in which the collector resides, or in the office of the department, and shall be approved by the commissioner of highways. The original or a certified copy of the oath shall be duly filed and entered of record in the office of the department.

Section 322. KRS 182.030 is amended to read as follows:

Any person desiring to erect a wharf at or on any public road may petition the county *judge/executive* [court] for such privilege. Notice of the petition, or of his intention to present the same, must be posted at the front door of the courthouse, and at three (3) public places in the district in which it is proposed to erect the wharf, at least three (3) weeks before the petition is acted upon. Upon petition and notice the *county judge/executive* [court] may grant the privilege, and fix conditions and limitations and the rates and charges for wharfage. At any time afterwards upon ten (10) days' notice to the owner of such wharf or his tenants, the *county judge/executive* [court] may revoke his privilege or alter such conditions or limitations or regulate the rate of charges.

Section 323. KRS 182.040 is amended to read as follows:

The county *judges/executive* [courts] of counties having a city situated on the bank of any river improved by slack-water, may appoint three (3) or four (4) residents of such city, as port-wardens. The port-wardens shall hold office respectively for four (4) years, and until their successors are qualified.

Section 324. KRS 184.050 is amended to read as follows:

(1) If no objections are filed on the day set for the initial hearing, the county *judge/executive* [court] shall enter its order approving the petition.

(2) Any owner of land abutting upon the road proposed to be improved or maintained who has failed or refused to sign the petition seeking the formation of the road district may, on the day fixed for the hearing, file *with the county judge/executive* [in the county court] his answer to the petition setting forth his objections to the creation of the district, and the county judge/executive shall thereupon fix a day when both the sponsors and the objectors may introduce testimony, and shall at that time hear and determine the issue on its merits. Any person aggrieved by the determination of the county *judge/executive* [court] may bring an original action in circuit court to contest such determination.

Section 325. KRS 184.060 is amended to read as follows:

In the event of a final decision of the county *judge/executive* [court] ordering the creation of the road district, the county *judge/executive* [court] shall enter an order declaring said district organized in the name provided for in KRS 184.030, by which name it shall thereafter be known. The county judge/executive shall thereupon appoint three (3) persons as members of the road district board of directors, whose duty it shall be to control and manage the affairs of the district. Each director shall be at least twenty-five (25) years of age, shall be an owner of land abutting upon the road to be improved and shall have lived on such land for a period of at least six (6) months prior to his appointment. The members of the first board of directors shall hold their offices, respectively, for two (2), three (3) and four (4) years from the date of their appointment, and thereafter each director shall be appointed for a term of four (4) years. Vacancies resulting from any cause other than expiration of a term of office shall be filled by the county judge/executive and only for the unexpired term.

Section 326. KRS 184.070 is amended to read as follows:

(1) Each director, before entering upon his official duties, shall take and subscribe to an oath before the *county* clerk [of the county court] that he will honestly, faithfully and impartially perform the duties of his office and that he will not be interested directly or indirectly in any contract let for the purpose of carrying out any of the provisions of this chapter. Said oath shall be filed among the minutes of the road district and noted on the minutes of the county *judge/executive* [court].

(2) Each director shall give a good and sufficient bond in an amount to be fixed by order entered by the county *judge/executive* [court], said bond to be approved of by the county judge/*executive* and to provide for the faithful performance of his duties and as security for all moneys coming into his hands. The cost of such bonds shall be borne by the road district.

Section 327. KRS 184.080 is amended to read as follows:

The board of directors, which is hereby declared to be the governing body of the road district, shall keep a record of its proceedings, shall adopt and have a seal, and shall exercise all powers and manage and control all the affairs and property of the district. Said board of directors shall elect one (1) of its members chairman, one (1) secretary and one (1) treasurer. The board may employ an attorney and an engineer, who shall serve in such capacities during the pleasure of the board and for such reasonable compensation as may be fixed by the board and approved by order of the county *judge/executive* [court]. Each member of the board may receive a salary of not in excess of two hundred dollars ($200) per annum for his services, which salary shall be fixed at the first meeting of said board, and approved of by order of the county *judge/executive* [court], and thereafter may be decreased as the duties of the members decrease. The board may adopt such rules and regulations as are necessary for its proper functioning. The chairman, secretary and treasurer of the district shall perform such duties as are usually performed by such officers. The county *judge/executive* [court], by method similar to that for approving settlements of fiduciaries, shall approve the accounts and acts of all directors upon death, resignation or at expiration of their term of office, which county *judge/executive* [court] approval shall relieve the surety upon the bond of such director, the cost of which shall be a charge against the district. When the affairs of the district have been completed, the directors and officers shall by verified petition ask the county *judge/executive* [court] for a dissolution of the district, which petition shall include an accounting of all moneys received and disbursed by the district and shall be referred to *the county judge/executive* [a county court commissioner as in fiduciary settlements] and when approved by the county *judge/executive* [court] shall release said officers, directors and their sureties, the cost of which shall be a charge against the district.

Section 328. KRS 184.280 is amended to read as follows:

The treasurer of the road district shall be charged with the keeping of all moneys collected on account of the special assessment, interest and penalties, and he shall disburse the same only in payment of the construction costs, apportionment warrants or bonds, as the case may be, or for regular expenses of the district. The treasurer shall be bonded in an amount to be fixed by order entered by the county *judge/executive* [court] and shall be liable upon his official bond for the safe-keeping of the funds of the district.

Section 329. KRS 186.016 is amended to read as follows:

Notwithstanding the provisions of this chapter, the department may by regulation prescribe methods of record keeping and reporting by the county [court] clerk to the department.

Section 330. KRS 186.047 is amended to read as follows:

Whenever any financing statement lapses under the provisions of KRS 355.9-403, the county [court] clerk of the county in whose office the financing statement is filed shall note on the clerk's copy of current registration or transfer receipt that such financing statement has lapsed. Upon presentation of the owner's copy of the current registration or transfer receipt, the aforementioned clerk shall make the same notation thereupon and thereafter any clerk may omit information regarding the lapsed financing statement from any new registration or transfer receipt issued for the motor vehicle.

Section 331. KRS 186.051 is amended to read as follows:

Notwithstanding the provisions of this chapter, the department shall by January 1, 1978, establish a year-round system for the registration of vehicles under the provisions of KRS 186.050(1). The system shall be designed so as to distribute the work load as uniformly as practicable within the various offices of the county [court] clerks, as well as the department, on a year-round basis. In implementing a year-round registration system, the department may establish separate and distinct registration years. Each registration year so designated shall begin on the first day of a calendar month and expire on the last day of the last calendar month in a registration period. Registration periods may be designated to include less than twelve (12) consecutive months and registration fees shall be computed at a rate of one-twelfth of the appropriate annual registration fee per month in each registration period. The department may establish a registration year of more than twelve (12) months except that registration fees for designated periods of more than twelve (12) months may be paid at the option of the owner. The department may promulgate reasonable rules and regulations to carry out the orderly implementation and administration of the year-round registration system.

Section 332. KRS 186.115 is amended to read as follows:

When the owner of a motor vehicle which has been assembled from parts from wrecked or salvaged motor vehicles presents such a vehicle for registration, he shall submit an affidavit and any invoices showing the purchase of such parts to the county [court] clerk. The county [court] clerk shall forward the application to the department of transportation. The department will either authorize or prohibit the clerk from registering the vehicle.

Section 333. KRS 186.180 is amended to read as follows:

(1) (a) If the owner loses his copy of a registration or transfer receipt, he may obtain a duplicate from the county clerk who issued the present owner's copy of the receipt by filing an affidavit, upon a form furnished by the department, and he shall pay to the clerk a fee of $2.00.

(b) When the owner's copy of any registration or transfer receipt shows that the spaces provided thereon for noting and discharging security interests have been exhausted, the owner may apply to the county clerk who issued such receipt in order to obtain a duplicate thereof. The owner shall surrender his copy of the current receipt to the clerk before a duplicate may be issued therefor. The owner shall pay the clerk a fee of $2.00.

(c) Any security interest which has been discharged as shown by the records of the clerk or upon the owner's copy of the current receipt, must be omitted from the duplicate receipt to be issued by the clerk.

(2) If the owner loses a registration plate he shall surrender his registration receipt to the county [court] clerk from whom it was obtained and file therewith a written statement as to the loss of the plate. Upon the payment of the sum of $2.00 for each plate and a fee of $2.00 to the clerk for his services the owner shall be issued another registration receipt and a plate or plates which shall bear a different number from that of the lost plate. The clerk shall retain the owner's statement and shall make a notation on the triplicate copy of the surrendered registration receipt, stating the number of the registration receipt replacing it. The original copy of the surrendered receipt shall be forwarded to the department. The department shall forthwith cancel the registration corresponding to the number of the lost plate. The cancellation shall be reported by the department to the director of the bureau of state police. Any person finding a lost registration plate shall deliver it to the department of transportation or to any county [court] clerk for forwarding it to the department.

Section 334. KRS 189.120 is amended to read as follows:

(1) No person shall sell any new motor vehicle in this state nor shall any new motor vehicle be registered in this state unless the vehicle is equipped with safety glass wherever glass is used in the windshield, doors or windows.

(2) As used in this section, "safety glass" means any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the department of public safety.

(3) The department of public safety shall compile and publish a list of types of glass by name approved by the department as meeting the requirements of this section, and shall cause a copy of the list to be furnished to each county [court] clerk. No motor vehicle which is subject to the provisions of this section shall be registered unless it is equipped with an approved type of safety glass as required by this section, and the department of public safety may prescribe and enforce such regulations as are necessary to effectuate this section. If the rules of the interstate commerce commission differ the common carriers may elect to apply the rules of the interstate commerce commission.

Section 335. KRS 189.230 is amended to read as follows:

(1) The department, in respect to state and federal highways, and county *judges/executive* [courts, or the judges thereof,] in respect to county highways, may prescribe, by notice as provided in subsection (2) of this section, load and speed limits lower than the limits prescribed in KRS 189.221 and subsection (3) of KRS 189.390, respectively, whenever in its judgment any highway may, by reason of its design, deterioration, rain or other natural causes, be damaged or destroyed by motor trucks or semitrailer trucks, if their gross weight or speed exceeds certain limits. The department or county *judges/executive* [courts, or the judges thereof,] may, by like notice, regulate or prohibit the operation of motor trucks or semitrailer trucks on state highways or county roads for limited periods of specified days, or parts of days, if their load and speed exceed those limits, whenever, in its or their judgment, such regulations or prohibition is necessary, by reason of traffic density or intensive use by the traveling public, to provide for the public safety and convenience on the highway.

(2) The notice or the substance of it, shall be posted at conspicuous places at the termini of and at all intermediate crossroads and road junctions with the section of the highway to which the notice applies. After such a notice has been posted, no person shall operate any motor truck or semitrailer truck contrary to its provisions.

Section 336. KRS 189.390 is amended to read as follows:

(1) No operator of a vehicle upon a highway shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.

(2) Where no condition exists that requires lower speed for compliance with subsection (1) of this section, the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be unlawful:

(a) For all vehicles other than motor trucks, semitrailer trucks, or motor vehicles of five (5) horsepower or less, thirty-five (35) miles per hour in any business or residential district, sixty miles (60) per hour in other locations during the daytime and fifty miles (50) per hour in other locations during the nighttime;

(b) For motor truck and semitrailer trucks, thirty-five (35) miles per hour in any business or residential district, fifty (50) miles per hour in other locations.

(c) For motor vehicles of five (5) horsepower or less, thirty-five (35) miles per hour in any location.

(d) All vehicles, when using off-street parking facilities offered for public use whether publicly or privately owned, fifteen (15) miles per hour.

(3) Whenever the commissioner of highways shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or upon any part of a state highway within or without the corporate limits of a municipality, said commissioner of highways may determine and establish by official order a reasonable and safe speed limit at such location which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or part of the state highway. In no event, however, shall said commissioner increase any speed limit established by subsection (2) of this section so as to permit in any instance a speed limit in excess of sixty (60) miles per hour.

(4)(a) Whenever municipal authorities or the county *judge/executive* [court] of any county containing a city of the first class or second class determine upon the basis of an engineering and traffic investigation that the speed permitted under subsection (2) of this section is greater or less than is reasonable or safe under the conditions found to exist, at any location within the municipality or unincorporated areas of such county, such municipal authority or county *judge/executive* [court], subject to paragraph (b) of this subsection, shall determine and authorize by ordinance or order a reasonable and safe speed limit at such location which shall be effective at all times or during hours of daytime or nighttime, or at such times as may be determined when appropriate signs giving notice thereof are appropriately erected at such location. In no event, however, shall said municipal authority or county *judge/executive* [court] increase any speed limit established by subsection (2) of this section so as to permit in any instance a speed limit in excess of sixty (60) miles per hour.

(b) Alteration of speed limits on state highways within a municipality by municipal authorities or within the unincorporated areas of counties containing a city of the first class or second class by county *judges/executive* [courts] thereof shall not be effective until such alteration has been approved by the commissioner of highways. In no event shall said commissioner approve any alteration which could increase any speed limit established by subsection (2) of this section so as to permit in any instance a speed limit in excess of sixty (60) miles per hour.

(c) Whenever the county *judge/executive* [court] of any county containing a city of the first class or second class determines upon the basis of an engineering and traffic investigation and study that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one (1) motor vehicle is permitted to park in such district so as to reduce such congestion, then the county *judge/executive* [court] may by order establish "no parking" areas on and along said highway, or limit the length of time any motor vehicle may be parked in any business district, which order or orders shall be effective at all times and during hours of daytime or nighttime and at such other times as may be determined when appropriate signs giving notice thereof are erected at such locations.

(d) Notwithstanding the other limitations in this subsection, the commissioner of highways may establish, by official order, reasonable and safe speed limits on turnpikes and limited access state highways not to exceed seventy (70) miles per hour.

(5) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(6) In every charge for a violation of any speed limit specified in this section or established as herein authorized, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, also the lawful speed limit applicable at the location where the violation is charged to have occurred.

(7) As used in this section, the following words and phrases shall have the meanings respectively ascribed to them:

(a) "Business district," the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes which occupy 300 feet of frontage on one side or 300 feet collectively on both sides of the highway;

(b) "Residential district," the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business;

(c) "State highway," a highway or street maintained by the bureau of highways;

(d) "Nighttime," the period from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise, and at such other periods as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period; "daytime" means at any other period.

(8) The signs and notices which the county judge/executive is authorized hereby to have erected shall be paid for by the fiscal court out of the county levy.

Section 337. KRS 189.391 is amended to read as follows:

(1) Notwithstanding the provisions of KRS 189.390 or any other statutes the speed limit for all types of motor vehicles on any portion of any public highway of four or more traffic lanes, the opposing lanes of which are physically separated by means other than striping, shall be 55 miles per hour, unless the speed limits for all types of motor vehicles was less than 55 miles per hour on November 1, 1973.

(2) The maximum speed limit on any public highway except those mentioned in subsection (1) shall be 55 miles per hour. The department of transportation may set limits under this subsection less than 55 miles per hour after complying with the provisions of KRS 189.390(3) but in no event shall the limit exceed 55 miles per hour.

(3) The legislative body of each city and the county *judge/executive* [court] of any county shall limit the speed of any motor vehicle on any city street or county road to 55 miles per hour.

(4) In the event that the congress of the United States should raise or lower the speed limits as set out in subsections (1) (2) and (3), the secretary of the department of transportation shall be empowered to alter the speed limits on the public highways of the Commonwealth of Kentucky to comply therewith.

Section 338. KRS 201.140 is amended to read as follows:

(1) The board may, with the approval of the county *judge/executive* [court], appoint, to serve at the pleasure of the board, one or more persons, of more than twenty-one (21) years of age, as parole officers. The parole officers shall apprehend or arrest, and take into custody wherever found in this state children who escape from the home, and return them to the home. Parole officers shall also, under the direction of the board, convey children of the home to any point in the state, and perform such other duties as the board requires of them. Such officers shall also have the general powers of peace officers.

(2) In making the apprehension or arrest of such escaped child, in any county other than that in which the home is located, the parole officer shall first secure a writ or process issued by the district judge of the county wherein the home is located authorizing the parole officer to make such apprehension or arrest and to return the escaped child to the home, and this writ or process shall be the parole officer's authority in the premises.

Section 339. KRS 203.024 is amended to read as follows:

(1) Proceedings for restoration of a person who has been adjudged incompetent may be instituted by the filing in circuit court of an affidavit by the person seeking restoration, or by his spouse, relative, guardian, or next friend. Written notice of the proceedings for restoration shall be given to the county attorney and to the committee, if any, of the person seeking restoration. If the proceedings are instituted by a person other than the spouse, relative or guardian of the person seeking restoration such notice shall also be given to those persons.

(2) Whenever it appears from a petition filed with the circuit court that such person has been restored to competency, the court shall within ten (10) days inquire into the facts either by a jury in open court or at its discretion in chambers and shall make all necessary orders in the premises.

(3) If the court finds such person to be competent, it shall enter an order and judgment restoring the person and giving him all the rights and privileges of a citizen.

(4) The clerk of the court, if it be a court other than the one in which the person was declared incompetent, shall transmit a certified copy of the restoration judgment to the originating court and the county [court] clerk of that county shall be directed to comply with the provisions of KRS 203.026.

Section 340. KRS 203.026 is amended to read as follows:

It shall be the duty of the clerk of the court, immediately upon the rendering of a judgment in an inquest proceeding adjudging a person to be incompetent, or a restoration of same, within not more than twenty-four (24) hours thereafter, to file an attested copy of said judgment in the office of the *county* clerk [of the county court] of the county in which said judgment was rendered, which copy shall be filed and not recorded by the county clerk but indexed in the book in which notices of action and encumbrances are indexed. Unless a copy of said judgment is filed in said county clerk's office, the judgment shall not constitute notice to any subsequent bona fide purchaser for value, mortgagee, or encumbrancer.

Section 341. KRS 204.050 is amended to read as follows:

The [county court in term time, or the] county judge/executive [in vacation,] may order a poor person to be taken to the poorhouse and supported, and may cause medical aid to be employed at the public expense for such of the poor of the county as he deems proper.

Section 342. KRS 205.745 is amended to read as follows:

(1) A child support lien in favor of the department shall attach to all personal and real property of the responsible parent if he has failed to make full child support payment within thirty (30) days after it is due.

(2) The department shall file its claim of lien within three months from the time it attaches to the property of the parent. The claim of lien shall be filed with the *county* clerk [of the county court] of the county in which the property is located and shall state as follows: "The Commonwealth of Kentucky, by the Department for Human Resources, claims a lien in the amount of .... on the (describe property) of (name of parent) for child support owed to his dependent children and public assistance monies paid to his children by the Department for Human Resources."

(3) The department shall notify the responsible parent of the filing of its claim of lien.

Section 343. KRS 206.040 is amended to read as follows:

(1) Applications for pensions shall be made in duplicate under oath, in the form prescribed by the department, and shall be attested by two (2) reputable witnesses as to the identity of the applicant.

(2) The application shall be filed *with the county judge/executive* [in the county court] of the county where the claimant resides, and *within thirty (30) days thereafter,* [shall be filed on or before any regular term of court, and lie over until a subsequent regular term when] the *county judge/executive* [judge] shall hear *evidence* [testimony] in open court as to the applicant's citizenship, residence and means of support. The

county attorney shall be present and represent the state and may produce evidence concerning any facts relative to the claim.

(3) The *county judge/executive* [judge] shall make a finding of facts as shown by the evidence and forward his findings with a brief memorandum of the testimony of each witness heard with his name and post office address, together with his own recommendation upon the merits of the claim and a copy of the application to the department. The duplicate application shall remain on file in the county clerk's office.

(4) The hearing on the application may be continued from time to time upon the motion of the applicant, but shall not be continued more than once over the objection of the applicant.

Section 344. KRS 212.080 is amended to read as follows:

A number of legal voters equal to ten per cent (10%) of the total number of votes cast at the last general election of any county may file their petition with the county judge/executive asking that the proposition of creating, establishing and maintaining a county health department be submitted to the voters of the county at the next general election held in the county that does not occur within less than thirty (30) days after filing the petition. Each voter signing the petition shall state his full name and address. At the time of filing the petition the petitioners shall deposit with the county judge/executive a sufficient sum of money to pay the cost of publication, as required by this section. Upon the filing of the petition with the county judge/executive, he shall enter an order directing the publication in full of the petition, pursuant to KRS chapter 424, and shall further enter an order directing the *county* clerk [of the county court] to have placed upon the ballot at such election the question, "Are you in favor of establishing a county department of health?" with proper squares in which the voter may indicate "Yes" or "No." If the majority of those voting on the proposition vote "Yes," a department of health for the county shall be created, established and maintained. The vote shall be canvassed and returned by the board of election commissioners for the general election. If the election is contested, the members of the fiscal court of the county shall be made defendants.

Section 345. KRS 212.850 is amended to read as follows:

(1) Fiscal courts of all counties uniting to establish a district health department shall certify to the department a copy of their resolution for establishing a district health department and providing for its maintenance and operation, and specifying the amount of the appropriation therefor.

(2) If the department finds that such a district health department has been proposed in accordance with the provisions of KRS 212.810 to 212.930 and that the appropriations are adequate, the department shall enter an order declaring the district to be established and a copy of the order shall be filed with the Secretary of State and with the county [court] clerk of each county concerned. When a district department of health is created all powers and duties of the county boards of health, except as otherwise provided in KRS 212.920, under existing statutes are transferred to the district board of health. The department shall, on or before July 1 in each year, allot to each such district health department such amount that the department deems to constitute a just and equitable share of funds available therefor from appropriation by the General Assembly, by grants and gifts received by this Commonwealth from the government of the United States of America or from any of its agencies or instrumentalities, and from other sources.

(3) In determining the allotments referred to in subsection (2) of this section, the department shall endeavor to provide for a distribution of the funds in a manner that is reasonably calculated to equalize, so far as practicable, local health services to the people of all counties served by the district health department. The department may take into consideration variations existing between districts by reasons of difference in population, resources, industrialization, tax assessments and tax rates, and other local factors and conditions; the legislative intent being hereby declared to be that districts shall provide, from local sources of revenue that are available to them, financial support of district health departments to the extent of their respective abilities.

(4) The department may, in its discretion, alter or modify allotments from time to time and may cancel any allotment whenever it finds that a particular district health department is not maintained, operated and conducted in accordance with the standards prescribed by the department. Nothing in this section shall be construed as requiring the department to allot all funds available for local health purposes, or as prohibiting the department from allotting such portion thereof, as the department may determine, to a reserve account which may be sub-allotted by the department in such manner that it considers proper in the event of emergencies, disaster or unforeseen events without regard to the provisions of subsection (3) of this section.

Section 346. KRS 213.180 is amended to read as follows:

(1) The secretary for human resources shall prepare, print and supply to all registrars suitable blanks and forms used in registering, recording and preserving the returns or in otherwise carrying out the provisions of this chapter, and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the secretary for human resources. The department for human resources shall carefully examine the certificates received monthly from the local registrars, and if any are incomplete or unsatisfactory shall require that further information, necessary to make the certificate complete and

satisfactory, be furnished. All physicians, midwives and undertakers connected with the case shall furnish any information they possess regarding any birth or death, upon demand of the department for human resources in person, by mail, or through the local registrar.

(2) The department for human resources shall arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births, sickness and deaths registered. The cards shall show the name of the child, inmate or deceased, the place and date of birth, sickness or death, the number of the certificate, and the volume in which it is contained. The department shall inform all registrars what diseases are to be considered as infectious, contagious or communicable and dangerous to the public health as decided by the secretary for human resources, in order that, when sickness and deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.

(3) The secretary for human resources shall, every five (5) years, have printed and bound in suitable volumes, not to exceed in number one hundred and fifty (150) sets, an alphabetical index list of all births and deaths reported and registered, setting out the full name appearing on the certificate, followed by the name of the county, the complete date, the volume and certificate numbers and in cases of births the name of the mother, and the department for human resources shall certify to the correctness of the index list. The index list shall be prima facie evidence of the information therein contained in all courts of the state.

(4) A copy of the volume or volumes containing the index list of births and deaths shall be furnished and delivered to each county health department and shall become a permanent record of the county. Any such volumes now in possession of the county [court] clerk may be transferred to the county health department with the approval of the county judge/executive.

(5) The cost of preparing, printing and delivering the index list shall be paid from appropriations made to the department for human resources.

Section 347. KRS 213.330 is amended to read as follows:

Each county [court] clerk shall, on or before the tenth day of each month, furnish to the department for human resources from the marriage licenses issued and the marriage certificates returned to the clerk during the previous month such information as may be required by the department for human resources upon forms prescribed and furnished by the department for human resources. The county [court] clerk shall collect from the applicants for a marriage license at the time the license is issued fifty cents (50¢) which shall constitute his fee for forwarding the required information to the department for human resources.

Section 348. KRS 215.120 is amended to read as follows:

A number of citizens equivalent to ten per cent (10%) of the votes cast at the last general election in any county the fiscal court of which has failed to establish a sanatorium district may file their petition with the county judge/executive asking that the proposition of establishing the county as a district for the erection of a sanatorium for the treatment of tuberculosis be submitted to the voters of the county at the next general election held in the county that does not occur within less than thirty (30) days after the filing of the petition. Each voter signing the petition shall state his full name and address. At the time of filing the petition the petitioners shall deposit with the county judge/executive a sufficient sum of money to pay the cost of publication, as required by this section. Upon the filing of the petition with the county judge/executive he shall enter an order directing that the petition be published in full pursuant to KRS chapter 424, and shall further enter an order directing the *county* clerk [of the county court] to have placed upon the ballot at such election the question, "Are you in favor of establishing a tuberculosis sanatorium district?," with proper squares in which the voter may indicate "Yes" or "No." If the majority of those voting on the proposition vote "Yes," a tuberculosis sanatorium district shall be established. The vote shall be canvassed and returned by the board of election commissioners for the general election. If the election is contested the members of the fiscal court of the county shall be made defendants.

Section 349. KRS 216.090 is amended to read as follows:

(1) Before any city of the second, third, fourth or fifth class may purchase, establish, erect, acquire, maintain or operate a municipal hospital, the legislative body of the city shall pass an ordinance declaring it desirable that this be done, and shall prepare an estimate of the probable cost of the hospital. If revenue bonds are to be issued to pay the cost the ordinance shall so provide. An election shall be had on the adoption of the ordinance if a number of legal voters of the city equal to twenty-five per cent (25%) of the total number of votes cast in the city at the last regular election file a petition within ten (10) days after the ordinance is passed asking that the question of approval of the ordinance be submitted to a vote of the people. If the petition is filed the election shall be held at the next regular election held in the city.

(2) If an election is petitioned for, the mayor shall certify the ordinance to the county [court] clerk, who shall cause to be printed on the ballots for use in the city the question: "Are you in favor of purchasing, establishing, erecting, acquiring, maintaining and operating a municipal hospital in accordance with the

estimate of cost adopted by the City of .... (here insert name of city), and the issuance of revenue bonds in the amount of $.... (here insert total face amount of bonds estimated by the legislative body of the city to be necessary to pay the cost of the hospital, based upon the estimate of cost?" Opposite the question shall be printed "Yes" and "No," with the proper squares for stamping. The mayor shall advertise the election and its object by publication pursuant to KRS chapter 424. All legal voters of the city may vote at the election.

(3) If an election is held, the city shall not purchase, establish, erect, acquire, maintain or operate a municipal hospital or issue revenue bonds unless a majority of all the qualified voters voting on the question vote in favor thereof.

(4) Before revenue bonds are issued the legislative body of the city shall select the location of the municipal hospital, prepare the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land, rights of way, constructions, franchises and easements necessary for the construction of the hospital.

Section 350. KRS 216.260 is amended to read as follows:

Private lying-in hospitals are subject to such medical inspection as the city council, in a city, or the county *judge/executive* [court], if not in a city, may direct, and to the inspection of the grand jury.

Section 351. KRS 216.317 is amended to read as follows:

Before a hospital district is established or a county participates in an established district, the procedure provided in subsection (1) or the procedure provided in subsection (2) shall be complied with.

(1)(a) Upon the filing of a duly certified petition of one hundred (100) or more duly qualified voters in a county to be included within the territorial limits of the proposed district, the fiscal court of each county in the proposed district shall adopt a resolution submitting to the qualified voters of the county the question as to whether a hospital district should be established for the medical service area and a special ad valorem tax imposed for the maintenance and operation of the district, not to exceed ten cents (10¢) on each one hundred dollars ($100) of the assessed valuation of all property in the county. A certified copy of the order of the fiscal court shall be filed with the county [court] clerk at least sixty (60) days prior to the next regular election and thereupon the clerk shall cause the question to be placed upon the ballot.

(b) The question shall be in substantially the following form: "Are you in favor of (insert the name of the county) participating in a hospital district composed of (insert the names of the counties) for which (insert the name of the county) shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars ($100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) hospital district?"

(c) If a majority of those voting in the county favor the establishment of the district or the participation of the county in an established district, the district shall be established and shall constitute and be a taxing district within the meaning of section 157 of the constitution of Kentucky and the county shall be a participating county in the district.

(d) The participation of each county in a district shall be determined separately and a county may follow the procedure in subsection (1) or (2) without regard to the procedure followed in any other county in the district.

(e) All special ad valorem taxes authorized by KRS 216.310 to 216.360 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

(2)(a) Upon the filing of a duly certified petition of a majority of the number of duly qualified voters who voted in the last general election in each county to be included within the territorial limits of the proposed district, the fiscal court of a county in the proposed district shall adopt a resolution ordering the levy of a tax of not more than ten cents (10¢) on each one hundred dollars ($100) worth of property assessed for local taxation. Such petition shall be filed with the fiscal court in each county in the proposed district not later than ninety (90) days after the date of the first signature on the petition. A certified copy of the order of the fiscal court shall be filed within thirty (30) days with the county [court] clerk who will add the levy to the next annual tax bill of the county or counties concerned.

(b) The petition shall be in substantially the following form:

The following duly qualified voters of (insert name of county) hereby petition the fiscal court concerned to establish a hospital district for (insert name of county or counties) for which (insert name of county) shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars ($100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) hospital district.

(c) The petition shall contain the following: The name and address of each petitioner and the date upon which he signed the petition.

(d) All special ad valorem taxes authorized by KRS 216.310 to 216.360 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

Section 352. KRS 216.320 is amended to read as follows:

The fiscal court of a county in which the election is held or to which a petition is presented shall recommend to the commissioner that the district be established and that the county participate in the district. Upon the receipt of the resolution of any fiscal court recommending establishment of a hospital district, the commissioner shall establish the district within the medical service area in which that county is located, and shall certify his act to the county judge/executive and county [court] clerk of each county, which is a part of the district, the state local finance officer and to the secretary of state. The district shall then be a taxing district within the meaning of section 157 of the Kentucky constitution for the carrying out of the purposes for which the district was created, and for executing the powers with which it is vested. The county submitting the resolution to the commissioner shall be a participating county in the district. The remaining counties in the medical service area may become participating counties upon compliance with the requirements prescribed in KRS 216.317.

Section 353. KRS 216.335 is amended to read as follows:

The government of the hospital district shall be vested in the board which shall have general control of the property and affairs of the district and shall have all the powers necessary to carry out the purposes of KRS 216.310 to 216.360 including, but not confined to, the following:

(1) To construct, acquire, add to, maintain, operate, develop and regulate, sell and convey all lands, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures and any other facilities;

(2) To exercise the right of eminent domain for the purposes of the district except that no hospital district shall have the right of eminent domain against any hospital, clinic or sanatorium operated by a nonprofit charitable, religious or public organization, or against any private hospital, clinic or sanatorium;

(3) To receive, acquire, hold, manage, expend, sell and convey donations and bequests of real and personal property for hospital purposes within the district;

(4) To establish and maintain a public hospital or hospitals in the district and where necessary make provision for education of needed personnel to operate such hospitals;

(5) To lease existing hospital or hospitals and equipment and other property used in connection with the operation of a hospital, and to pay such rental therefor as the board shall deem proper;

(6) To enter into contracts and agreements with any person or corporation, public or private, affecting the affairs of the district, including contracts with cities, counties, other municipalities, the Commonwealth or the United States of America and any of its agents or instrumentalities;

(7) To enter into contracts with a nonprofit corporation acting as a governmental agency for the construction and equipping of a hospital or hospitals, and the leasing of the same to the district;

(8) To sue and be sued;

(9) To make contracts, employ an administrator, attorneys and other technical or professional assistance and all other employes as the needs of the district may require, and to prescribe their duties and compensation;

(10) To have perpetual existence;

(11) To borrow money on the credit of the board in anticipation of the revenue to be derived from anticipated revenue from user fees or from taxes levied by the district for the fiscal year in which the money is borrowed, and to pledge the taxes levied for the district for the payment of the principal and interest of the loan;

(12) To establish bylaws it deems necessary or expedient to define the duties of officers, assistants or employes, to fix the conditions of admission to the hospitals of the district, and the support and discharge of patients, and to conduct in a proper manner the professional and business affairs of the district;

(13) To establish and enforce a suitable system of rules and regulations for the internal government, discipline and management of the hospitals of the district;

(14) To determine annually the amount of tax, not to exceed ten cents (10¢) per one hundred dollars ($100) of property assessed for taxation, to be levied upon the taxable property of the district, for the purposes of the district, and to certify to the fiscal court of each county in the district and to each county [court] clerk for inclusion on the tax bills of property owners in the district.

Section 354. KRS 216.347 is amended to read as follows:

Within sixty (60) days after the close of each fiscal year the board shall make a written report to the secretary. A copy of this report shall be filed with the county [court] clerk of each county within the district.

The report shall contain:

(1) An itemized statement of the various sums of money received for the district;

(2) An itemized statement of expenditures from the fund;

(3) A statement of the property acquired by devise, bequests, purchase, gift, or otherwise during the fiscal year;

(4) A statement of the character of hospital services furnished to the district during the fiscal year; and

(5) Any other statistics or information requested by the department for human resources.

Section 355. KRS 216.357 is amended to read as follows:

A hospital district may be dissolved in the following manner:

(1) Upon determining that the district should be dissolved, the board shall unanimously adopt a resolution calling for the dissolution of the district. This resolution shall be sent to the fiscal court of each participating county for their action.

(2) Upon receipt of the resolution for dissolution each fiscal court shall take action. If the fiscal court of each participating county determines that the district shall be dissolved, they shall adopt a resolution of intent to dissolve the district within six (6) months of the receipt of such a resolution from the board.

(3) A certified copy of the order of the fiscal court along with a plan for the settlement of all outstanding obligations and debts of the district shall be filed with the secretary and with the county [court] clerk.

(4) Upon receipt of the resolution of intent to dissolve the district and the settlement plan from the fiscal court of each county in the district, the secretary may issue a certificate of dissolution. This certificate shall be filed with the secretary of state, the state local finance officer and the county [court] clerk of each county in the district.

(5) The county [court] clerk or clerks in the district, shall, upon receipt of the certificate of dissolution from the secretary, remove the tax levy from the tax bills from the property owners of the district and the district shall be dissolved.

(6) A resolution of dissolution shall not be entered within a one-year period from the date of the entry of the order declaring the district organized, or one (1) year from the date of final determination of any action to set aside such an order, whichever is later.

Section 356. KRS 220.110 is amended to read as follows:

If no suit is filed against the commissioner under KRS 220.100, or if suit is filed and final judgment in the circuit court or an appeal is in favor of the commissioner, the commissioner shall forthwith declare the district organized into a sanitation district and give it a corporate name, as provided in KRS 220.050, by which in all proceedings it shall thereafter be known. The commissioner shall certify his act to the county [court] clerk of each county in which any part of the district is located, and to the secretary of state, each of whom shall record the certificate as articles of incorporation. The commissioner shall also certify his act to the county judge/executive of each county in which any part of the district is located. The district shall then be a political subdivision and shall have perpetual existence, except as otherwise specifically provided in KRS 220.530, with power to sue and be sued, contract and be contracted with, incur liabilities and obligations, exercise the right of eminent domain, assess, tax, and contract for rentals as herein provided, issue bonds, and do and perform all acts herein expressly authorized and all acts necessary and proper for the carrying out of the purpose for which the district was created, and for executing the powers with which it is invested.

Section 357. KRS 220.130 is amended to read as follows:

The commissioner shall designate in the certificate the place where the office of the district shall be located, which shall be within the corporate limits of the district if practicable. The place may be changed by the board of directors of the district from time to time, by the certification of the change to the county *judge/executive* [court] and the notation thereof on the records of the court. The records of the district shall have "Sanitation District Records" printed, stamped or written thereon. They shall be kept at the office and shall be open to inspection as are the records of the fiscal court.

Section 358. KRS 220.150 is amended to read as follows:

(1) Each director, before entering upon his official duties, shall take and subscribe to an oath that he will honestly, faithfully and impartially perform the duties of his office, and that he will not be interested in any contract let for the purpose of carrying out any of the provisions of KRS 220.010 to 220.520. The oath shall be filed with the *county* clerk [of the county court].

(2) Each director shall give a good and sufficient bond, to be approved by the county judge/executive appointing him, for the faithful and honest performance of his duties and as security for all moneys coming into his hands or under his control. The cost of the bond shall be paid by the district.

Section 359. KRS 220.360 is amended to read as follows:

The board of directors, as soon as duly appointed and qualified, may levy one (1), two (2), or three (3) annual taxes, which taxes need not be in successive years, or not more than fifteen cents (15¢) upon each one hundred dollars ($100) of assessed valuation of property within the district, to be used for the purpose of paying the expenses of organization, surveys and plans, and for other incidental expenses that may be necessary up to the time money is received from the sale of bonds. This tax shall be certified to the auditors of the various counties and by them to the respective treasurers of their counties. The tax shall be based upon the last preceding assessment for state and county purposes, its collection shall conform to the collection of taxes for counties, and the same provisions concerning the nonpayment of taxes shall apply. The tax shall be added by the county clerk to the next state and county tax bill following the levy of the tax by the board of directors, and shall be collected concurrently with the state and county taxes. Neither the property valuation administrator nor the county [court] clerk shall be entitled to any additional compensation for the services rendered in connection with the listing of the property for taxation nor shall the sheriff receive any additional compensation for the collection of the tax.

Section 360. KRS 220.591 is amended to read as follows:

(1) The holders in aggregate principal amount of twenty per cent (20%) of any class of construction subdistrict bonds authorized by KRS 220.577 may ex parte move a judge of the circuit court of the county containing the construction subdistrict to appoint a trustee to represent all of the holders of the same class of bonds when the facts described in paragraph (b) of subsection (2) have occurred.

(2) The judge shall appoint a trustee (which may be corporate) upon a showing that:

(a) movants in fact are holders of twenty per cent (20%) or more of the aggregate principal amount of the affected class of the bonds;

(b) movants claim that there has been a default exceeding thirty (30) days in the payment of interest or principal on the bonds, that the district has failed to comply with the provisions of KRS 220.553 to 220.613 relating to construction subdistrict bonds, or that the district has breached a contract with the holders of the bonds;

(c) movants have filed in the office of the county [court] clerk of the county containing the district an instrument in the nature of a notice of action against the district which instrument states that movants have applied to have a trustee appointed pursuant to this section and which names the affected construction subdistrict.

(3) The trustee may, or upon written request of any twenty per cent (20%) in aggregate principal amount of his bondholder beneficiaries shall, file an action in his name against the district; the action shall seek all remedies, including but not limited to mandamus, prohibition, judgment against a special fund or funds injunction, and declaratory judgment, needed to preserve and enforce the rights of the bondholders. The action shall be filed in the circuit court of the county containing the district.

(4) The rights of bondholders include, but are not limited to, the right to:

(a) require the district to collect from the construction subdistrict rates, rentals, and charges adequate to pay principal and interest on the bonds;

(b) require the district to perform all lawful agreements with the bondholders;

(c) require the district to account to the bondholders as if it were trustee of an express trust for their benefit;

(d) have the district enjoined from doing any acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) have all bonds of the affected class declared due and payable.

(5) Any trustee, whether or not all bonds have been declared due and payable, shall be entitled as of right, upon application to the circuit court, to the appointment of a receiver, who may enter upon and take possession of the construction subdistrict facilities, or any part thereof, and operate and maintain the same, and collect and receive all rentals, rates, other charges and revenues of the construction subdistrict payable after commencement of the receivership. The receiver shall deposit such moneys in a separate account and apply them as the court directs. In any suit, action, or proceeding, by the trustee, the fees, counsel fees, and expenses of the trustee and of the receiver, if any, shall constitute disbursements taxable as cost. All costs and disbursements allowed by the court shall be a first charge on any revenue derived from the construction subdistrict facilities. Such trustee shall, in addition to the foregoing, have and possess all the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

Section 361. KRS 231.020 is amended to read as follows:

No place of entertainment shall be operated outside the corporate limits of a city unless its owner or manager has a permit, issued to him by the county *judge/executive* [court] in the county in which the place of entertainment is located, granting to him the privilege to operate the place of entertainment in that county.

Section 362. KRS 231.050 is amended to read as follows:

At the time the application is filed, the applicant shall deposit ten dollars ($10.00) with the county clerk which shall be used by the clerk to defray the cost of the notices required by KRS 231.060 to be published in a newspaper, to pay the clerk's cost for the docketing of the application on the [county court] order book *of the county judge/executive* and for recording such orders of the county *judge/executive* [court] as may be entered therein. Seven dollars and fifty cents ($7.50) of the deposit shall be used for advertising and two dollars and fifty cents ($2.50) shall be paid to the clerk as his fee.

Section 363. KRS 231.060 is amended to read as follows:

When the application is filed with the county clerk he [shall docket it upon the docket book of the county court and] shall have a notice, that the application has been filed, published pursuant to KRS chapter 424 in the county.

Section 364. KRS 231.070 is amended to read as follows:

The county attorney, after an application has been filed, shall investigate the applicant and file with the county *judge/executive* [court] a written report setting forth the facts revealed by his investigation, recommending the granting or the denial of the permit. The report shall be filed with the county clerk within thirty (30) days after the application is filed.

Section 365. KRS 231.080 is amended to read as follows:

[On the first regular county court day] After the expiration of thirty (30) days from the date on which the application is filed, the county *judge/executive* [court] shall hear evidence in support of or in opposition to the granting of the permit. Any person desiring to oppose the permit shall have filed in writing allegations that show cause as to why the application should not be granted.

Section 366. KRS 231.090 is amended to read as follows:

(1) From the decision of the county *judge/executive* [court] refusing to grant the permit, the applicant may appeal to the circuit court, where the appeal shall be tried as an action in equity, and the evidence shall be heard in open court.

(2) From the decision of the county *judge/executive* [court] granting a permit any citizen of the county may appeal to the circuit court and the appeal in the circuit court shall be tried as in the case of an appeal from a judgment denying the permit.

(3) Before any appeal is perfected, the party appealing shall file a copy of the decision of the county *judge/executive* [court] with the circuit clerk and shall execute a bond guaranteeing the payment of the cost of the appeal. The cost of the appeal shall be adjudged against the person losing the appeal.

(4) The county attorney shall resist any appeal filed by an applicant and shall represent any citizen who appeals from the decision of the county *judge/executive* [court] granting a permit.

Section 367. KRS 231.100 is amended to read as follows:

The county *judge/executive* [court] shall, by an order entered in *his* [its] order book, fix reasonable hours of operation for places of entertainment throughout the county.

Section 368. KRS 231.110 is amended to read as follows:

No person who has been granted a permit shall allow:

(1) Drunken, disorderly or boisterous persons, or persons of lewd or lascivious reputation to congregate in or about the premises;

(2) People to congregate there for immoral or unlawful purposes or to permit any man or woman who are not married to each other to occupy any cabin, cottage or secreted room or place from which the view of the public is excluded;

(3) The premises to be used as a place of assemblage or entertainment at later hours than those which are stated in the permit or recorded on the order book of the county *judge/executive* [court];

(4) Engaging in fortunetelling at any location except that specifically stated in his permit;

(5) Engaging in fortunetelling without first posting in a conspicuous place, both inside and outside the premises at which he is authorized to engage in fortunetelling, and without first filing with the county clerk of the county in which the premises are located, a schedule showing in detail the fees charged for readings, predictions, and services of any nature.

Section 369. KRS 231.120 is amended to read as follows:

Upon the conviction of the owner or manager of a place of entertainment for a violation of any of the provisions of this chapter:

(1) The judgment of the court shall provide for the forfeiture of the permit;

(2) A copy of the judgment shall be certified by the court in which the conviction occurs to the county clerk and shall be recorded by him in the order book of the county *judge/executive* [court]; and

(3) The permit shall then be canceled and become void.

Section 370. KRS 231.125 is amended to read as follows:

The conviction of the owner or manager of a place of entertainment for violation of the alcohol beverage control laws may be an additional ground for revocation and forfeiture of the place of entertainment permit by the county *judge/executive* [court].

Section 371. KRS 232.021 is amended to read as follows:

No person shall own or operate a nudist society unless he first secures a license from the county *judge/executive* [court] in the county in which the nudist society will be located. Any person who desires a license shall file an application with the county clerk setting forth the name and address of the owner of the premises upon which the nudist society will be located and the name of the operator, the occupation of the owner or operator, the reason for forming the society and its purpose, the location of the area of the proposed nudist society, and a description of the physical facilities and precautions to be taken which will assure privacy of members and concealment and reasonable isolation of the nudists from the public. If the county *judge/executive* [court] finds that the character of the applicant is good, the nudist society is proposed to be conducted for religious or health purposes, the facilities appear adequate and the nudist society will be so located or screened or housed, and so operated, as to give reasonable assurance that its activities will be effectively concealed and its members reasonably isolated from the ordinary view and presence of the general public, the county *judge/executive* [court] shall issue the license upon payment of a fee of one hundred dollars ($100). Each license to operate a nudist society shall expire one (1) year from issuance but may be renewed annually upon payment of a renewal fee of fifty dollars ($50.00).

Section 372. KRS 232.031 is amended to read as follows:

A license to operate a nudist society may be revoked by order of the county *judge/executive* [court] at any time, following a hearing upon reasonable notice to the licensee and a finding by the county judge/executive that:

(1) The activities of the nudist society are not being effectively concealed from the ordinary view of the public, or

(2) The activities of the nudist society are not sufficiently isolated from the public, or sufficient precautions are not being taken to exclude the presence of nonmembers, or

(3) The nudist society is not being operated in accordance with the purpose for which it was licensed, or

(4) Conviction of the owner or operator of a felony, or a misdemeanor involving disorder or breach of the peace arising out of the operation of the nudist society.

Section 373. KRS 232.991 is amended to read as follows:

Any person who owns or operates a nudist society, whether for religious or health purposes, without a valid license from the county *judge/executive* [court] shall be fined not less than five hundred (500) nor more than one thousand dollars ($1,000), or imprisoned in the county jail for not less than ten (10) nor more than thirty (30) days, or both fined and imprisoned.

Section 374. KRS 242.020 is amended to read as follows:

(1) A petition for an election shall be signed by a number of constitutionally qualified voters of the territory to be affected, equal to twenty-five per cent (25%) of the votes cast in the territory at the last preceding general election. The petition may consist of one or more separate units, and shall be filed with the county clerk.

(2) The petition for election, in addition to the name of the voter, shall state also his post office address and the correct date upon which his name was signed.

(3) No signer may withdraw his name or have it taken from the petition after the petition has been filed. If the name of any person has been placed on the petition for election without his authority, he may appear before the county *judge/executive* [court] before the election is ordered and upon proof that his name was placed on the petition without his authority, his name may be eliminated by an order of the court. When his name has been eliminated, he shall not be counted as a petitioner.

(4) After a petition for election has been filed, the county *judge/executive* [court] shall [, at the current

or the next regular term,] make an order on the order book of the court directing an election to be held in that territory.

Section 375. KRS 242.030 is amended to read as follows:

(1) The date of the election may be stated in the petition for election. If the date is not stated, it shall be designated by the county *judge/executive* [court].

(2) The election shall be held not earlier than sixty (60) nor later than ninety (90) days after the date the petition is filed with the county clerk.

(3) The election shall not be held on the same day that a primary or general election is held in the territory or any part of the territory, nor within thirty (30) days next preceding or following a regular political election.

(4) No election in any territory less than the county shall be held on the same day on which an election for the entire county is held, except as approved in KRS 242.125.

(5) No election shall be held in the same territory oftener than once in every three (3) years.

Section 376. KRS 242.040 is amended to read as follows:

Within five (5) days after the county *judge/executive* [court] orders an election, the county clerk shall give to the sheriff a certified copy of the order. The sheriff shall have the order published pursuant to KRS chapter 424 in the county. When the election is ordered for the entire county, the sheriff shall also advertise the order by written or printed handbills posted at not less than five (5) conspicuous places in each precinct of the county for two (2) weeks before the election, and, when the election is ordered held in a city, district or precinct, at five (5) conspicuous places in each precinct therein for the same length of time. The sheriff shall report in writing to the county *judge/executive* [court] that the notices have been published and posted.

Section 377. KRS 242.070 is amended to read as follows:

Not more than twenty (20) days prior to an election any group of citizens that in good faith favors or opposes the proposition to be submitted may file with the chairman of the county board of election commissioners a petition asking that it be recognized as the committee entitled to nominate election officers and to certify challengers, witnesses to the *counting* [county] of the ballots and certification of the results, and guards to assist in guarding the ballot boxes during the period which the group desires. If more than one group claims the right to nominate election officers and certify challengers, witnesses and guards, the county board of election commissioners shall promptly decide and publicly announce which committee is entitled to nominate officers and certify challengers, witnesses and guards. That decision shall not be final, but any aggrieved party may appeal to the county *judge/executive* [court], and upon hearing the county judge */executive* shall determine which group shall be recognized.

Section 378. KRS 242.110 is amended to read as follows:

The result of the election shall be certified by the county board of election commissioners. The certificate of the result shall be immediately filed with the county clerk and [safely kept by him until the next regular term of] the county *judge/exeuctive* [court, when the court] shall have the certificate entered on the order book. The entry of the certificate, or an attested copy thereof, shall be prima facie evidence of the result of the election in actions under this chapter.

Section 379. KRS 242.150 is amended to read as follows:

The county *judge/executive* [court] shall [, at its next regular term following the filing of the petition,] order the referendum to be held on the day designated in the petition.

Section 380. KRS 242.190 is amended to read as follows:

When a majority of the votes cast at an election are in favor of prohibition in the territory, prohibition shall be in force and effect at the expiration of sixty (60) days from the date of the entry of the certificate of the county board of election commissioners in the order book of the county *judge/executive* [court].

Section 381. KRS 242.200 is amended to read as follows:

When a majority of the votes cast at an election are in favor of the discontinuance of prohibition in a territory, prohibition shall cease to be in force and effect at the expiration of sixty (60) days from the date of the entry of the certificate of the county board of election commissioners in the order book of the county *judge/executive* [court].

Section 382. KRS 247.340 is amended to read as follows:

(1) The said federation of farm bureaus organized pursuant to KRS 247.330 shall be a body corporate upon the filing with the county [court] clerk of the county in which the principal office of said federation is located, articles of incorporation signed by the requisite number of authorized representatives of said county

farm bureaus, and upon the filing of a copy of said articles of incorporation certified to by said county [court] clerk, in the office of the secretary of state of the Commonwealth of Kentucky.

(2) Said articles of incorporation shall state:

(a) The names of the county farm bureaus organizing said state federation;

(b) The corporate name of said state federation;

(c) The location of the principal office;

(d) The nature of its business and its general powers, and may set out any other provision, which the incorporators may deem desirable and which are not in conflict with the law.

(3) The incorporators signing the articles of incorporation shall constitute the first board of directors until the first annual election date to be fixed by the bylaws of the corporation.

(4) Any state federation of county farm bureaus heretofore organized pursuant to the provisions of KRS 247.330, or, chapter 76 of the Acts of 1920 of the general assembly of the Commonwealth of Kentucky, and having heretofore filed its articles of incorporation as provided in this section, shall not be required to reincorporate, but may continue its corporate existence as if done pursuant hereto, and said corporation or any corporation organized pursuant to this section and KRS 247.330, may amend its articles of incorporation by a majority vote of its voting delegates assembled in annual state convention.

Section 383. KRS 249.195 is amended to read as follows:

All public utilities, the state highway department, the county *judge/executive* [court], railroads, drainage districts, school districts, road districts and other public and quasi-public corporations and every landowner in thistle eradication areas shall:

(1) Control and eradicate Canada and nodding thistles and prevent their regrowth and reinfestation on all lands, rights of way and easements owned, occupied or controlled by them;

(2) Employ methods of control and eradication and for the prevention of the regrowth and reinfestation of such thistles as directed by the commissioner of agriculture or the county thistle control board;

(3) Comply with all orders, rules and regulations promulgated by the commissioner of agriculture pursuant to KRS 249.183 to 249.195 and 249.991.

Section 384. KRS 249.610 is amended to read as follows:

(1) The board of supervisors of a mosquito control district may by resolution levy upon all of the real and tangible personal property subject to full local tax rates in the district a special tax at a rate not to exceed ten cents (10¢) upon the adjusted one hundred dollar ($100) valuation for state and county taxes, for administration, construction, operation and maintenance of works of improvement within the district. The tax shall be based upon the last preceding assessment for state and county purposes; its collection shall conform to the collection of taxes for counties; and it shall constitute a lien against the property subordinate only to state, county and city ad valorem taxes. The tax shall be added by the county clerk, as a separate item, to the state and county tax bill following the levy of the tax.

(2) The sheriff shall collect the taxes due the district at the same time and in the same manner in which he collects the state and county ad valorem tax and shall in like manner report to the county *judge/executive* [court] and make his annual and final settlement with the fiscal court of the county or counties involved.

(3) Such taxes shall be subject to the same due and delinquency date, discounts, penalties, and interest as are applied to the collection of county ad valorem taxes.

(4) Tax funds collected shall be transferred to and held by the secretary-treasurer of the mosquito control district for the specific purpose for which they have been levied. All expenditures of such funds shall be made by the board of supervisors upon order of the board.

Section 385. KRS 256.040 is amended to read as follows:

(1) When a division fence is desirable, or is made necessary by the division of improved or inclosed lands, or when no fence exists between the improved or inclosed lands of adjoining owners, or improved lands where the right of way is owned by one person, either landowner may, after he has built a lawful fence upon his portion of the line, require the other to erect a lawful fence out of planks, rails, or wire upon his portion of the line. No barbed wire shall be used, without the consent of owners of land on both sides of the fence. If the other fails to erect the fence within thirty (30) days after notice is given in writing, addressed and mailed to the post office nearest the land concerned, the person desiring the fence shall post a reasonable number of written signs or notices along the course on which he proposes to erect the fence, giving a description of the type and length of the fence proposed to be erected. If the other landowner still fails to erect the fence, the person desiring the fence may erect the fence after a period of thirty (30) days has elapsed from the posting of written signs describing the proposed fence, and one-half (1/2) the cost of erection shall constitute a lien, superior to all others, in favor of the person desiring the fence and upon the land of the person failing to erect the fence, and shall be enforced as other liens, when such lien has been duly recorded in the county [court] clerk's office of the county in which the land, or a major part thereof, is situated.

(2) Subsection (1) shall not apply where the person who erects the fence has received compensation for fencing his entire line, or where written agreements concerning the fencing have been entered into.

Section 386. KRS 262.735 is amended to read as follows:

The votes shall be counted by the election officers at the close of the polls and report of the results along with the ballots delivered to the polling superintendent, who shall certify the results to the board of supervisors. If a majority of the votes cast favor creation of the district, the board of supervisors shall certify such results to the county [court] clerk in the county or counties involved. Upon proper recording of such action such watershed conservancy district shall be duly created. After recording, the certification shall be filed with the state soil conservation commission.

Section 387. KRS 262.765 is amended to read as follows:

(1) The board of directors of a watershed conservancy district shall prepare and furnish to the property valuation administrator by January 1 each year a list of the landowners in each county involved showing the real property subject to assessment, and the property valuation administrator of the county or counties involved shall indicate, for the use of the clerk, such information on the tax rolls. The list furnished the property valuation administrator by the board of directors shall: list the landowners in alphabetical order by taxing districts as shown on the previous year's tax roll, list the total acreage and the acreage in the watershed conservancy district owned by each landowner, and show that part of the previous year's assessment attributable to real property within the watershed conservancy district on those parcels which are not entirely within the district.

(2) When the property tax rolls are delivered to the county [court] clerk by the property valuation administrator, as required by law, the county clerk shall compute the tax due the district from each landowner in accordance with the rate fixed by the board of directors and the value of the real property indicated on the tax roll. The computation shall be made on the regular tax bills in such manner as may be directed by regulation of the department of revenue.

Section 388. KRS 262.770 is amended to read as follows:

(1) The sheriff shall collect the taxes due the district at the same time and in the same manner in which he collects the state and county ad valorem tax and shall in like manner report to the county *judge/executive* [court], and make his annual and final settlement with the fiscal court of the county or counties involved. He shall be allowed a fee not to exceed four per cent (4%) for collection of this tax.

(2) Such taxes shall be subject to the same due and delinquency date, discounts, penalties and interest as are applied to the collection of ad valorem taxes.

Section 389. KRS 262.780 is amended to read as follows:

(1) Any one or more owners of land may petition the board of supervisors to have their lands added to a watershed conservancy district. Such petition shall define the boundaries of the land desired to be annexed, the number of acres of land involved, and other information pertinent to such proposal. When the boundary described embraces lands of others than the petitioners, the petition shall so state and shall be signed by twenty-five (25) or more of the landowners in the territory described, if fifty (50) or more such owners are involved, or by a majority if less than fifty (50) landowners are involved.

(2) Within thirty (30) days after such petition is filed, the board shall cause due notice to be given, as provided in KRS 262.010 (4), of a hearing on such petition. All interested parties shall have a right to attend such hearing and be heard. The board shall determine whether the lands described in the petition or any portion thereof shall be included in the district. If all the landowners in the territory involved are not petitioners, a referendum shall be held within such territory as provided in KRS 262.725, 262.730 and 262.735, before making a final determination. If it is determined that such land should be added, this fact shall be certified by the board of supervisors to the county [court] clerk in the county or counties involved. After recording, the certification shall be filed with the state soil conservation commission.

Section 390. KRS 266.010 is amended to read as follows:

In counties of less than 200,000 population, when it will be conducive to the public health, convenience or welfare or when it will be of public benefit or utility, the county *judge/executive* [court] may [, at any regular session,] establish and aid in the construction of any levee along a river or watercourse within or bounding the county. KRS 266.010 to 266.180 apply only to levees that have or may receive government aid. All levee districts established prior to 1914 and now existing under the laws of Kentucky are vested with all the powers and rights conferred by KRS 266.020 to 266.180 and are not deprived of any rights previously acquired.

Section 391. KRS 266.020 is amended to read as follows:

Before the county *judge/executive* [court] may establish any levee there shall be filed with the county clerk of the county a petition signed by at least five (5) landowners of the county, setting forth the necessity for the levee, with a general description of the proposed starting point, route and terminus and the names of the owners and tenants of lands over which the levee is to pass. If these names are not known it shall be so stated. The petitioners shall give bond with good and sufficient sureties, payable to the state, to be approved by the clerk, conditioned to pay all expense of establishing the levee, and the damages to the owners and tenants of lands over which it passes.

Section 392. KRS 266.025 is amended to read as follows:

(1) For the purpose of providing protection to lives and property by means of construction of levees, two (2) or more counties may join together to form a levee district.

(2) Before a county may participate in a multi-county levee district, the county *judge/executive* [court] shall determine that such participation is feasible and necessary. Such determination shall be made only after a duly advertised public hearing has been held by the county *judge/executive* [court].

(3) When the county *judge/exeuctive* [court] determines that a county shall participate in a multi-county levee district, it shall appoint commissioners as provided in KRS 266.030 to perform the duties outlined in KRS 266.040. If an adequate preliminary study and survey is in existence, the *county judge/executive* [court] need not comply with the provisions of KRS 266.030 to 266.080.

Section 393. KRS 266.080 is amended to read as follows:

Any party aggrieved may, within thirty (30) days, appeal to the circuit court of the county from the decision of the county *judge/executive* [court] ordering a levee established or refusing such order. Either party may appeal from the decision of the circuit court to the Court of Appeals.

Section 394. KRS 266.100 is amended to read as follows:

(1) The county *judge/executive* [court] shall, when *he* [it] establishes a levee, and every four (4) years thereafter, appoint five (5) resident landowners of the vicinity of the levee to be known as the board of levee commissioners. The commissioners shall serve for a term of four (4) years and until their successors are appointed. The county *judge/executive* [court] shall fill any vacancies in the board.

(2) When a multi-county levee district is established the board shall be appointed by the county *judges/executive* [courts] of the counties involved. Appointments shall be apportioned among the counties in ratio to the portion of the levee to be constructed within each county.

(3) The board of levee commissioners is a body politic, with the status of a corporation, and in its corporate name may do everything authorized by law with reference to public levees.

Section 395. KRS 266.170 is amended to read as follows:

(1) Whenever it is necessary for the board to have sufficient funds to enable it to pay the interest and principal of any bonds, or any liability incurred necessary in the reconstruction, repair or maintenance of any public levee constructed under laws other than the general laws of the state pertaining to drainage of lands, the board or any landowners benefited by the reconstruction, enlargement, repair or maintenance of the levee may *petition the county judge/executive of the county* [proceed in the county court] of the board's appointment to have the lands benefited by the reconstruction, enlargement, repair or maintenance classified and formed into a district and assessed to pay the interest and principal of the bonds or other liability in the same manner as provided in the general laws pertaining to drainage of lands.

(2) A proceeding to have the lands protected by such levee assessed for the repair or maintenance of the levee for the current year shall enable the board to make, annually thereafter, an assessment of a like amount against the land in the district protected by the levee, and, in any year thereafter, an assessment of such a lesser amount as the board considers necessary to repair and maintain the levee. When the cost of the reconstruction and enlargement of the levee cannot be paid out of annual assessments made for the repair or maintenance of the levee, as hereinbefore set out, original proceedings may be had to classify the land benefited by the reconstruction or enlargement and form the land into a district and make assessments against the land so benefited for the cost thereof as often as necessary.

(3) Assessments made under this section shall not be defeated on account of any irregularity in the proceedings that does not affect the substantial rights of the party complaining.

Section 396. KRS 266.190 is amended to read as follows:

When it will be conducive to the public health, convenience or welfare, or when it will be of public benefit or utility, the county *judge/executive* [court] of any county may [, at any regular session,] establish and aid in the construction of any levee along a river or watercourse within the county in the manner and subject to the provisions of KRS 266.020 to 266.090, subsection (1) of KRS 266.100, KRS 266.120, subsection

(1) of KRS 266.150, and KRS 266.990, with the following exceptions:

(1) In KRS 266.120 persons rendering aid in the repair or protection of the levee shall be paid at the rate of one dollar ($1.00) per day.

(2) In KRS 266.150 the tax collected shall be paid over to the board of levee commissioners.

Section 397. KRS 267.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Board" means the county board of drainage commissioners, or, in counties having seventy-five (75) or more separate drainage districts, or in counties availing themselves of the provisions of KRS 267.390 (3) (b) and 267.490 as provided in KRS 267.495, the drainage commissioner.

(2) "District" means drainage or levee district.

(3) "Improvement" means the construction, reconstruction, straightening, widening or deepening of any ditch, drain, canal, creek, levee or watercourse.

(4) "Sheriff" includes any collecting officer.

(5) "Viewers" means the board of viewers appointed by the county *judge/executive* [court].

(6) The power to appoint includes the power to remove at any time.

Section 398. KRS 267.020 is amended to read as follows:

Any county *judge/executive* [court] may, for the purpose of draining or reclaiming low, swampy or overflowed land in the county, locate, establish and have constructed any levee, ditch, drain or canal, and have constructed, straightened, widened or deepened any ditch, drain, creek, or nonnavigable watercourse, and have reconstructed any ditch, drain, creek, levee or canal heretofore constructed under any drainage law.

Section 399. KRS 267.030 is amended to read as follows:

(1) Before the county *judge/executive* [court] shall order an improvement made, there shall be filed with the county clerk a petition signed by at least twenty-five per cent (25%) of the landowners or by the owners of at least twenty-five per cent (25%) of the land in the proposed district shown by the petition. If the district proposed to be improved is located in more than one (1) county, the petition may be filed in either county, and the county *judge/executive* [court] of the county in which the petition is first filed shall have jurisdiction.

(2) The petition shall set forth the land in the county and any adjoining county proposed to be improved, so described as to convey a general idea as to the location of the land, and that the improvement would result in public benefit or utility, or that the public health, convenience or welfare would be promoted by the improvement. There shall also be set forth, as far as practicable, the starting point, route, terminus and lateral branches of the proposed improvement, and the names of the owners of the lands so far as known to the petitioners, likely to be affected by the improvement.

(3) Before any action is taken on the petition, one or more of the petitioners shall execute a bond, with two (2) or more individual sureties, or with some lawful surety or bonding company, to be approved by the county clerk in either event, to the Commonwealth, for the use and benefit of any party in interest, in a sum not to exceed two hundred dollars ($200) per mile for each mile in length of the proposed improvement, conditioned for the payment of all costs and expenses incurred in case the *county judge/executive* [court] fails to grant the petition. If, at any time during the proceeding, the *county judge/executive* [court] is satisfied that the bond first executed is insufficient, it may require the execution of additional bonds, and upon failure of the petitioners to execute additional bonds when required the petition shall be dismissed.

Section 400. KRS 267.040 is amended to read as follows:

When the petition and bond have been filed with the county clerk, the county *judge/executive* [court, whether at a regular term time or not,] shall appoint a competent civil and drainage engineer and two (2) resident freeholders of the county, who shall constitute a board of viewers to examine the land described in the petition and to make a preliminary report. The two (2) freeholders shall be persons not named in the petition as interested, and not related to any of the parties named in the petition as interested. Before entering upon their duties, the viewers shall be sworn to faithfully and impartially perform their duties to the best of their ability.

Section 401. KRS 267.050 is amended to read as follows:

(1) The viewers shall proceed to examine the land in the territory or district described in the petition, and any other land that may be affected or that may be necessary to locate properly the improvement petitioned for, along the route described in the petition or any other route that in their opinion may be more practicable. They may make any surveys necessary to determine the boundaries and elevations of parts of the district, and shall file with the county clerk within thirty (30) days from the date of their qualification, unless the time is extended by order of the county *judge/executive* [court], a written report covering the following matters:

(a) Whether the proposed improvement is practicable and the route the proper one.

(b) Whether the proposed improvement will benefit the public health, comfort or convenience, or any public highway, or be conducive to the general welfare of the community in which it is to be located.

(c) Whether the proposed improvement will benefit the land sought to be benefited.

(d) Whether all the land that will be benefited is included in the proposed drainage district.

(2) If the viewers find the improvement practicable, but the route named in the petition improper or impracticable, they may so state, showing the proper and practicable route. If they find that any land mentioned in the petition as being benefited is not benefited or affected, they shall so state, giving the name of the owner thereof. If they find any land benefited or affected by the proposed improvement that is not mentioned or described in the petition, they shall so report, giving the name of the owner thereof. They shall verify the correctness of the statements of the petition relative to ownership of land affected, and by their report correct any errors therein. With the report there shall be filed a map of the proposed district, showing the location of the proposed improvement, with all laterals, arms or branches, and the land that will be affected thereby, together with such other information as they deem necessary.

(3) The report shall be considered by the county *judge/executive within thirty (30) days* [court at the next regular term] after the report is filed. If the report shows that the proposed improvement is not practicable, or that it will not benefit the public health or any public highway, or be conducive to the general welfare of the community, the petition shall be dismissed at the cost of the petitioners.

Section 402. KRS 267.070 is amended to read as follows:

(1) Any person who has filed exceptions, or the petitioners, if they consider themselves aggrieved, shall be granted an appeal to the circuit court from the *order* [judgment] of the county *judge/executive* [court]. The party appealing shall file with the circuit clerk a certified copy of the *order* [judgment], and execute bond with at least two (2) freehold sureties, or some lawful surety company, conditioned that he shall prosecute the appeal and pay all costs that may be adjudged against him in the circuit court. Unless the copy of the *order* [judgment] is filed and the bond executed before the circuit clerk within ten (10) days from the rendition of the *order* [judgment] by the county *judge/executive* [court], the *order* [judgment] of the county *judge/executive* [court] shall be final, and no appeal shall thereafter be taken. If an appeal is taken, the *county* clerk [of the county court] shall [, by the first day of the next term of the circuit court,] transmit all original papers to the clerk of the circuit court, and all orders of the county *judge/executive* [court] may be read in evidence by either side, without being copied. The proceeding shall be docketed and tried in the circuit court as other civil cases are tried, except that the issues shall be confined to those raised in the *proceeding before the county judge/executive* [county court], and no summons need issue on the appeal.

(2) An appeal may be taken to the Court of Appeals from the judgment of the circuit court in accordance with the Rules of Civil Procedure.

(3) When the judgment of the circuit court becomes final, the circuit clerk shall return to the county clerk all the original papers in the case, and shall file with him a certified copy of the judgment of the circuit court.

Section 403. KRS 267.080 is amended to read as follows:

If no exceptions are filed to the viewers' preliminary report, it shall be confirmed by the county *judge/executive* [court at the first term of court that convenes] after all the parties are before the court for the length of time provided in KRS 267.060. If exceptions are filed and the final *order issued* [judgment rendered] on the exceptions necessitates any change in the viewers' report, the county *judge/executive* [court, at any regular term after judgment on the exceptions becomes final,] shall enter any orders necessary to carry into effect the *order issued* [judgment of the court as rendered], and shall by such orders make any necessary changes in the viewers' report. If any land shown by the viewers' report to be affected is released, it shall be stricken from the district; if other land not embraced by the viewers' report is found to be benefited or affected, it shall be added to the district, and the owner brought before the court as provided in KRS 267.060. When the viewers' report is finally confirmed, or finally changed, the county *judge/executive* [court] shall establish the district, which shall be designated by name or number so as to distinguish it from any other district. After the district is established, the court shall refer the report of the viewers to the board of drainage commissioners provided for by KRS 267.100, to have made a complete survey, plans and specifications for the improvement. Their report shall be filed within thirty (30) days thereafter.

Section 404. KRS 267.090 is amended to read as follows:

(1) In every county where an improvement has been made under former laws or is made under this chapter, except those counties having seventy-five (75) or more separate drainage districts or those counties availing themselves of the provisions of KRS 267.390 (3) (b) and 267.490 as provided in KRS 267.495, the county *judge/executive* [court] shall annually call an election in each district, to be held in the courthouse at the county seat on some day in May designated by *him* [the court]. At this election the taxpayers of each

district shall elect a director to represent the district on the board of drainage commissioners. The county judge/executive shall preside at the election of each district, which shall be by viva voce vote of each member present at the hour designated by the *county judge/executive* [court]. The districts of the county shall be numbered by the *county judge/executive* [court], and the elections shall take place in the numerical order of the districts. If any district is not represented at the election, the county *judge/executive* [court] shall appoint a taxpayer of that district as director to represent the district. The county *judge/executive* [court] shall fill all vacancies by appointment. The call for election shall be made at least ten (10) days before the election by posting notice at the courthouse door and by publication pursuant to KRS chapter 424.

(2) If the county *judge/executive* [court] fails to carry out any of the provisions of this section, any five (5) taxpayers in any drainage district coming under the provisions of this chapter may call an election, and shall upon the day of the election designate one of their number to act in place of the county judge/executive, with all the rights of the county *judge/executive* [court] under this section.

(3) In counties having seventy-five (75) or more separate drainage districts or in counties availing themselves of the provisions of KRS 267.390 (3) (b) and 267.490 as provided in KRS 267.495, the provisions of KRS 267.010 and 267.490 shall be followed.

Section 405. KRS 267.150 is amended to read as follows:

When the engineer's report is filed, the board shall meet and receive and adopt it, with any modifications that may be determined upon, and shall notify the county *judge/executive* [court] of its action. Within ten (10) days thereafter, the county *judge/executive* [court] shall enter an order referring the proceedings to the original viewers for the purpose of assessing damages, and making classification of the land for assessment. The county clerk shall notify the viewers of the *county judge/executive's* [court's] action, and set a day for them to meet at the county clerk's office of the county in which the proceeding is pending. Unless the time is extended the viewers shall file their report within sixty (60) days from the time the proceedings are referred to them.

Section 406. KRS 267.210 is amended to read as follows:

When the final report of the viewers is completed and filed, it shall be examined by the *county judge/executive* [court], and if it is found to be legal and in due form it shall be accepted, and if not it may be referred back to the viewers with instructions to secure further information, to be reported at a subsequent date fixed by the *county judge/executive* [court]. The chief engineer shall examine the report, and may recommend any changes in the plan of drainage for final adoption by the board. Such changes, when adopted, shall become a part of the plan. When the report is completed and accepted by the *county judge/executive* [court], with any changes in the plan adopted by the board, a date not less than twenty (20) days thereafter shall be fixed by the *county judge/executive* [court] for the final hearing upon the report, and notice shall be given by publication pursuant to KRS chapter 424, and by posting a notice on the door of the courthouse in each county in which land affected is assessed, and at five (5) conspicuous places throughout the district. During this time a copy of the report shall be on file in the office of the *county* clerk [of the county court] in which the proceeding is pending, and shall be open to the inspection of any landowner or person interested within the district.

Section 407. KRS 267.290 is amended to read as follows:

After the classification of the land and the ratio of assessment of the different classes has been confirmed by the *county judge/executive* [court], the board shall prepare an assessment roll or drainage tax duplicate, giving a description of all the land in the district, the name of the owner, so far as can be ascertained from the public records, and the amount of assessment against each tract of land. In preparing this assessment roll the board shall ascertain the total cost of the improvement, including the damages awarded to the owners of land and private ditches, the costs of the proceeding and all wages paid or to be paid, including the wages of the treasurer and employes of the board, and shall deduct any special assessment made against any railroad or highway. The remainder shall be the amount to be paid by the land benefited. This amount shall be assessed against the land according to the benefit received, as shown by the classification and ratio of assessment made by the viewers and confirmed by the court. Attached to this drainage assessment roll or filed with it shall be a statement of the cost of the work to be done, including the damages awarded to the owners of land and private ditches, the costs of the proceeding, all wages, salaries and fees, including fees to attorneys, engineers and other agents, and all other expenses, with five per cent (5%) in addition to meet any unforeseen contingencies. This drainage tax roll and statement of cost shall be made in duplicate and signed by the president and secretary of the board. One (1) copy shall be filed with the secretary of the board and the other with the *county* clerk [of the county court] in which the proceeding is pending.

Section 408. KRS 267.300 is amended to read as follows:

(1) *When* [If] the copies of the assessment roll and statement of costs are filed with the county clerk [more than ten (10) days before the first day of the next regular term of the county court], the clerk shall give notice, by publication pursuant to KRS chapter 424 in the county, of the filing of the assessment roll and statement, and that they will be heard on *a date specified, which shall be not less than fifteen (15) nor more than thirty (30) days after the date of filing.* [the first day of the next succeeding term of the county court. If copies are not filed more than ten (10) days prior to the first day of the next term of court, then on the first day of the term the court shall set the same for hearing, and the clerk shall give notice of the time of the hearing by publishing the notice pursuant to KRS chapter 424. In either event,] The clerk shall also cause notices to be posted on the front door of the courthouse and in five (5) public places in the district more than ten (10) days prior to the hearing.

(2) The *county judge/executive* [court] shall hear in a summary way any objections to the cost of the improvement and to the assessment of land, and shall enter an order confirming the assessment roll or directing the board to change it in accordance with the finding of the court. No question or objection that could have been raised to the final report of the viewers or at any time before the filing of the assessment roll or statement of cost can be raised by exceptions to the assessment roll or statement of costs. The order of the *county judge/executive* [court] shall be final and may be appealed from in the same manner as from orders cofirming a report of the viewers.

(3) The order shall direct the *county* clerk [of the court] to certify to the county treasurer a copy of the assessment roll as filed by the board or as changed by the court. One (1) copy of the assessment roll shall be retained by the clerk and recorded as part of the drainage record. If land in any other county is assessed, another copy of the assessment roll so far as it relates to land in that county shall be filed with the county clerk of that county.

Section 409. KRS 267.330 is amended to read as follows:

(1) At the expiration of thirty (30) days after publication of the notice required by KRS 267.320, the board may divide the unpaid assessments into annual instalments, not less than two (2) nor more than thirty (30), which shall draw interest at the rate of six per cent (6%) per annum, payable annually, from thirty (30) days after the date of publication, and may issue bonds to anticipate their collection, which bonds shall mature in series to correspond with the instalments into which the unpaid assessments are divided. The bonds shall draw interest at the rate of six per cent (6%) per annum, payable annually, and be payable at some place designated by the board. The bonds shall be for the exclusive use and benefit of the district, and shall designate on their face the name of the district and the purpose for which they were issued. The board, in dividing the unpaid assessments into instalments, shall fix the time for payment in each year so that each instalment will be due at least one hundred and twenty days (120) before the bonds issued to anticipate the collection of that instalment become due. Each landowner whose land is in lien for the payment of the bonds shall pay to the treasurer each instalment due against his land, with all interest due at that time on that instalment and deferred instalments, on or before the time fixed by the board for the maturity of the instalment.

(2) On the first Monday after any instalment is due, the board shall meet and ascertain the persons whose instalments are in default, and shall, on that date, issue warrants to the sheriff directing him forthwith to collect those instalments. The sheriff shall collect each instalment with interest due on that and deferred instalments, together with a penalty of six per cent (6%), as state and county taxes are collected, and settle with the board within sixty (60) days from the date the instalments were certified to him, and pay to the board the money collected.

(3) All land upon which the money due on any instalment has not been collected at the end of the said sixty (60) days shall forthwith be advertised and sold by the sheriff in the same manner as is provided in the case of state and county taxes. The sale shall be subject to the future instalments of the assessments. At the expiration of ninety (90) days from the date of the original certification of the instalment to the sheriff, he shall make final settlement with the board and pay to it all money in his hands. If he fails to do this the board may compel him to make settlement by rule against him issued by the [county] court in which the proceeding is pending, after giving him five (5) days' notice in writing. If any land is not purchased at the sale, the sheriff shall purchase it for the district, and in his final settlement with the board shall take credit therefor. The sheriff shall certify each sale to the county [court] clerk, as required in the sale of land for state and county taxes, and the clerk shall record such sale in the land sale book kept by him. For collecting the assessments certified to him the sheriff shall be paid by the board the same fees allowed him for collecting state and county taxes and in the same manner. For recording the certificate of sale the clerk shall be paid the same fees allowed him by law for similar work in reference to state and county taxes. The owner of such land, or his representatives, heirs or assigns, may redeem the land from the sale in the manner and within the time provided for the redemption of land sold for state and county taxes. Any sheriff who fails to settle and pay off any instalment with interest within the proper time shall be liable to the board for the full amount certified to him, with interest. This may be collected from the sheriff by rule issued against him by the [county] court in

which the proceeding is pending on five (5) days' written notice. The sheriff shall be liable upon his bonds for his acts done and for the faithful performance of his duties under this section.

(4) This section does not deprive the holder of any bond from having all rights by mandamus or otherwise against the board, the sheriff or any other officer or agent of the district having duties to perform under this section.

Section 410. KRS 267.350 is amended to read as follows:

(1) When the county *judge/executive* [court] has confirmed an assessment for any improvement and it has been modified by a court of superior jurisdiction, or for some unforeseen cause it cannot be collected, the board may change the original assessment to conform to the judgment of the court and to cover any deficit caused by the order of the *county judge/executive* [court], or unforeseen occurrence.

(2) In any other case where, for any cause, it is ascertained that the amount assessed against the property in the district is not sufficient to complete the improvement provided for, and a petition is filed by the board, or any three (3) or more of the original petitioners, or by the board and three (3) or more of the petitioners, stating the amount of the deficit, the causes thereof and the amount necessary to be raised in order to complete the work, and asking an additional assessment and levy, the county *judge/executive* [court] shall cause *the county* [its] clerk to give notice of the filing and purpose of the petition, and shall fix a time between ten (10) and twenty (20) days from the giving of the notice when the petition will be acted upon, and exceptions, answers or objections received. The notice shall be published pursuant to KRS chapter 424, and posted in at least three (3) public places in the district. Such publication shall be sufficient notice of the proceeding to all parties affected. Upon hearing, if the *county judge/executive* [court] finds that the additional assessment and levy asked for in the petition are necessary and ought to be made in order to complete the work, *he* [it] shall direct such assessment and relevy to be made by the board.

(3) Any additional assessment and relevy made under this section shall be made in the same ratio on the land benefited as the original assessment, and shall be collected in the same way.

Section 411. KRS 267.420 is amended to read as follows:

(1) The fees of officers for services rendered under this chapter shall be the same as fees allowed by law for similar services in other cases. Such fees shall be taxed as part of the costs. The *county judge/executive* [court] shall also *include* [tax] as costs reasonable fees to the attorneys for the petitioners in the proceeding to establish the improvement. All costs shall be paid on the order of the *county judge/executive* [court] out of the drainage fund. The compensation allowed for services of the engineers, viewers and for all other labor, unless paid out of funds deposited by the petitioners, shall be paid on the order of the *county judge/executive* [court] out of the drainage fund. If any part of such expense has been paid by the petitioners, or any deposit for that purpose has been made by them, it shall be refunded to them, without interest, out of the drainage fund. If the improvement is not established, all such costs and expenses shall be paid by the petitioners, and they shall be liable for the same on their bond.

(2) If any person, including any engineer or viewer, who has performed labor in connection with the improvement up to the time of final reference to the board, desires payment of the amount due up to that time, he may so inform the county *judge/executive* [court], which shall thereupon notify the petitioners or their attorneys of record of such fact in writing, stating the amount required, and call upon the petitioners to deposit with the county treasurer an amount sufficient to pay the same. The petitioners shall then deposit that amount within thirty (30) days from the date of receiving the notice. If they fail to pay it within that time, the proceeding may be dismissed at the cost of the petitioners. The treasurer shall pay out the money so deposited with him upon order or warrant of the board, if then appointed, and if not, on order of the county *judge/executive* [court].

(3) The compensation of the engineer on the board of viewers shall be fixed by the *county judge/executive* [court] at or before the time of his appointment, by order entered of record. The other viewers shall receive four dollars ($4.00) per day for the time actually engaged in performing their duties. Rodmen, chain carriers and other laborers employed in the work shall receive not exceeding two dollars ($2.00) per day for their services. Any fees or compensation not provided for in this chapter shall be fixed by the county *judge/executive* [court] unless the person providing the services is employed by the board, in which case the board shall fix his fees or compensation. The treasurer shall only pay out money on order of the county *judge/executive* [court], or on warrants drawn by the board, signed by its president and countersigned by its secretary.

Section 412. KRS 267.510 is amended to read as follows:

(1) As soon as practicable after the judgment establishing a separate drainage district becomes final, the county *judge/executive* [court] shall, with the advice and assistance of the engineer, enter an order dividing the district into three (3) precincts, as near equal in area of lands reported as benefited as is practicable, and calling a meeting of the landowners affected, to be had at some public place in the county in which the

proceeding is pending, at a day and hour fixed in the order. The date for the meeting shall be not less than twenty (20) days from the entry of the order calling it. The county clerk shall give notice of the meeting by publication pursuant to KRS chapter 424, and by posting not less than five (5) posters in different public places in the district at least fifteen (15) days before the date set. The landowners, when assembled, shall organize by the election of a chairman and secretary of the meeting, who shall conduct the election. At this election each acre of land, as near as may be arrived at by estimate or from the evidence heard before the county *judge/executive* [court] on the cross-petition, shall represent one (1) share, and each owner shall be entitled to one (1) vote for each share estimated to be owned by him in the district. The name of at least one (1) person shall be put in nomination for the office of district commissioner from each of the three (3) precincts. The one (1) person from each of the three (3) precincts receiving the highest number of votes shall be declared elected as district commissioner. The district commissioner shall immediately by lot determine the terms of their office, which shall be, respectively, one (1), two (2) and three (3) years, and shall serve until their successors are elected and qualified.

(2) Each year after the election of the first district board, at such time and place in the district as the district board designates, and after notice, as above provided, the landowners in the district shall meet and elect one district commissioner, who shall be an owner of land in the same precinct as that in which the district commissioner whose term is about to expire owns land, and who shall hold office for three (3) years and until his successor is elected and qualified. In case of a vacancy in any office of district commissioner, the remaining district commissioners may fill the vacancy, with some person having the precinct qualification, until the next annual election, when a successor shall be elected for the unexpired term. A district commissioner whose term is expiring shall be eligible for re-election.

Section 413. KRS 267.540 is amended to read as follows:

Any drainage district organized under the provisions of this chapter may be enlarged and the boundaries extended so as to include other contiguous land, in the manner set forth in this section. The board may present a petition to the county *judge/executive* [court] that organized the district, asking that the boundaries of the district be extended and such outlying land be included in the district, particularly describing the land and giving the name of the owner. When such petition is filed, the owner of any land to be included in the district shall be brought before the *county judge/executive* [court] in the same manner as an original party to the proceeding, with the same right to protest against the proposed action or file exceptions thereto. If no objection is made to the petition, the *county judge/executive* [court] shall order the land included and the boundaries enlarged or extended as prayed. If any objection is made, the *county judge/executive* [court] shall hear the objection and shall order all or any part of the land included as appears just, and the boundaries shall be ordered changed accordingly. The land so included shall be subject to all dues, assessments and liabilities and entitled to all the benefits and privileges of the district the same as the land originally incorporated. The owner of any land contiguous to any such district may by petition to the *county judge/executive* [court] and with the consent of the board have his land annexed to the district on such terms as the *county judge/executive* [court] may deem just, and thereafter his land shall be part of the district the same as the other land in the district.

Section 414. KRS 267.570 is amended to read as follows:

At any time a majority in number and amount of those assessed for the maintenance of any improvement may petition the county *judge/executive* [court] for a discontinuance of the improvement. The petition shall give the names of all persons interested in the maintenance of the improvement and owning land in the district. The *county judge/executive shall set a hearing date* [court shall place the petition upon the docket of the court that convenes] not less than fifteen (15) days after *the* [its] filing *of the petition*, and shall issue notices and cause them to be served upon all parties interested, notifying them *of the date* that the *county judge/executive* [court] will consider the petition [at the next term]. If no valid reason is shown against the discontinuance of the improvement, the *county judge/executive* [court] shall enter an order discontinuing it, after which it shall cease to be a public improvement. An appeal may be had from the order to the circuit court, as provided in the establishment of improvements.

Section 415. KRS 268.360 is amended to read as follows:

(1) As soon as the drainage assessment record is completed, the board shall deliver the copies to and file them with the *county* clerk [of the county court] in which county the district is organized. The clerk shall receive them, and, beginning within five (5) days, publish notice of such filing pursuant to KRS chapter 424. The notice shall be in substantially the following form:

"State of Kentucky [, ... court].

"County of .....

"In the matter of the .... (drainage), (levee), (reclamation) district. Notice is hereby given to all persons interested that the board of drainage commissioners of .... County did on the .... day of ...., 19.., file in my office

.... copies of the drainage assessment record for the above district in which they show the aggregate costs of the improvements to be made according to the plan for reclamation, also the aggregate of all benefits to property and the minimum district assessment and the apportionment thereof to each piece of property, together with the total of such assessments which are to be paid for each separate piece of property.

"All persons interested are hereby notified that they may inspect this record at any time, and are given until .... to file written objections to these final assessments.

"Unless you file objections thereto by that date, it will be taken for granted that the assessments are correct, and correctly apportioned to each separate piece of property, and they will be confirmed, and become the fixed assessments upon each piece of property.

"Given under my hand as *county* clerk [of the .... county court,] on this the .... day of ...., 19...

.... Clerk."

(2) If objections are filed, they shall be determined by the *county* judge*/executive* in a summary way. If errors are found, they shall be by proper orders corrected. The order of the *county* judge*/executive* shall direct the clerk to show such corrections on all the copies of the assessment record in red ink. When all errors in the assessment are ordered corrected by the *county* judge*/executive*, he shall approve the assessment record.

(3) The final order of approval and confirmation by the *county* judge*/executive* shall be final and conclusive upon all property within the district. The assessment record, when corrected by the clerk under orders of the *county* judge*/executive*, shall be indorsed by the *county* judge*/executive* as the assessment record of the district, and thereafter no question may be raised concerning the correctness of any assessment shown in the record.

(4) One (1) of the several copies of the assessment record, properly corrected and indorsed by the *county* judge*/executive*, shall remain in the office of the *county* clerk [of the county court]. The remaining copies shall be certified and delivered by the clerk to the secretary of the board of the county in which the district was organized.

Section 416. KRS 268.370 is amended to read as follows:

(1) The board of drainage commissioners may, if in their judgment it seems best, issue bonds on behalf of any district under their control, not to exceed ninety per cent (90%) of the total amount of the minimum district assessments levied upon the property of the district approved by the *county*judge*/executive*. The bonds shall be in denominations of not less than one hundred dollars ($100), bearing interest payable annually from the date of issue at a rate not to exceed six per cent (6%) per annum, to mature at annual intervals within thirty (30) years, commencing after a period of years not later than five (5) years, to be determined by the board. Both principal and interest shall be payable at some convenient bank or trust company's office, to be named in the bonds. The bonds shall be signed by the president of the board, attested with the seal of the board and the signature of the secretary and countersigned by the *county* clerk [of the county court] of the county in which the district is organized. All bonds shall be executed and delivered to the treasurer of the district, who shall sell them in such quantities and at such dates as the board considers necessary. The funds derived from the sale of bonds shall be used only to pay the cost of improvements and the expenses, fees and salaries authorized by law. The secretary of the board shall certify to the *county* clerk [of the county court] in which the district was organized a copy of the resolution authorizing and directing the issuance of the bonds, which shall contain a list of the bonds, their dates of maturity and amounts. The clerk shall record this resolution in the lis pendens record in his office. Bonds shall not be sold for less than their par or face value at the date of issue. They shall show on their face the purpose for which they are issued.

(2) The bonds shall be payable out of money derived from the assessments upon property, and a sufficient amount of the drainage assessment shall be appropriated by the board to pay the principal and interest. This sum shall be preserved in a separate fund for that purpose. All bonds and coupons not paid at maturity shall bear interest at the rate of six per cent (6%) per annum from maturity until paid, or until sufficient funds for their payment have been deposited at the place of payment, and this interest shall be appropriated by the board out of the penalties and interest collected on assessments or any other available funds of the district. The board, in making the annual levy of assessments, shall take into account the maturing bonds and interest on all bonds and make ample provisions in advance for their payment. If the proceeds of the original levy of assessments are not sufficient to pay the principal and interest of all bonds issued, the board shall make any additional levy upon benefits assessed necessary for this purpose. However, no levy of assessments shall be made in excess of the benefits to the property as shown by the report of the appraisers, as corrected, that will in any manner impair the security of bonds or the fund available for the payment of the principal or interest.

(3) When he receives the bonds the treasurer shall execute and deliver to the president of the board a bond with good and sufficient sureties, to be approved by the board, conditioned that he shall account for and pay over as required by law and as ordered to do by the board all money received by him on the sale of any bonds, and that he will only sell and deliver such bonds to the purchaser thereof according to the terms of this

section, and that he will return, duly canceled, any bonds not sold to the board when ordered by it to do so. This bond shall remain in the custody of the president of the board, who shall produce it for inspection or as evidence whenever legally required to do so. The bond of the treasurer may, if the board directs, be signed by a surety or bonding company, which may be approved by the board. The successor in office of any treasurer shall comply with all provisions applicable to his predecessor before receiving bonds or their proceeds. The treasurer shall promptly report all sales of bonds to the board.

(4) The board shall, at reasonable times thereafter, prepare and issue warrants for the payment of the maturing bonds so sold and the interest payments coming due on all bonds sold. Each warrant shall specify what bonds and accruing interest it is to pay, and the treasurer shall place sufficient funds at the place of payment to pay the maturing bonds and coupons when due, as well as a reasonable compensation to the bank or trust company for paying them, not to exceed two dollars and fifty cents ($2.50) for each one thousand dollars ($1,000) par value of bonds or coupons paid.

Section 417. KRS 268.410 is amended to read as follows:

(1) In December of each year the board shall certify to the sheriff of each county in which any part of the district is located the annual instalment of the assessments to become due and be collected during the succeeding year. This instalment shall be collected at the same time as state and county taxes.

(2) The certificate of the instalment of assessment shall be in substantially the following form:

"Commonwealth of Kentucky.

County of .....

To the sheriff of .... County:

"This is to certify that the board of drainage commissioners of .... County, Kentucky, on behalf of drainage district No. .... of .... County (Counties), Kentucky, has levied the sum of $.... as the annual instalment of assessments for the year 19.., of the total assessment levied and certified to the *county* clerk [of the county court] of your county. The board, on behalf of the drainage district, also levies $.... as a maintenance assessment for that year, both of which are set out in the following table, in which are: First, the names of the owners of property as they appear on the district assessment register; second, the amount of the instalment of the assessment levied on that property due and collectible for the year 19..; third, the amount of maintenance assessment levied against it. The assessment shall be payable at the same time as state and county taxes and you are ordered to demand and collect the assessments at the same time you demand and collect the state and county taxes due on the same property. This certificate shall be your warrant and authority for making such demand and collection."

(3) A table or schedule shall follow, showing in properly ruled columns: First, the names of the owners as they appeared in the district assessment register; second, a brief description of the property opposite the names of the owners; third, the amount of the annual instalment of assessment on each piece of property; fourth, the amount of maintenance assessment; fifth, a blank column in which the collector shall record the amounts collected by him; sixth, a blank column in which the collector shall record the date of payment of each sum; seventh, a blank column in which the collector shall record the name of the person paying each sum. The columns in which the annual instalment and the maintenance assessment appear shall be totaled. The total amount shall correspond to the amount set out in the certificate.

(4) The certificate and table shall be prepared in the form of a well-bound book, indorsed and named "Collector's drainage assessment book, drainage district No. .... of .... County (Counties), Kentucky, for the year 19..." This indorsement shall also be printed on the top of each page. At the end of the table of assessments shall be these words:

"Done by order of the board of drainage commissioners of .... County on this .... day of ...., 19...

Attest: .... Secretary .... President (Seal)"

Section 418. KRS 268.420 is amended to read as follows:

(1) The sheriff of each county of the district shall receive the collector's drainage assessment book each year. He shall promptly and faithfully demand and collect the assessments at the same time that he demands and collects the state and county taxes due on the same property. If any property has been divided or transferred, the sheriff shall receive payment of assessments on any part charged with the assessments and give his receipt accordingly, and show therein upon what part of the property the assessment has been paid. The collector's drainage assessment book shall be the warrant and authority of the sheriff for making demand and collection of drainage assessments. The fee of the sheriff for collecting drainage assessments shall be four per cent (4%), which shall be added to the regular assessment. The sheriff shall return all collector's drainage assessment books each year to the secretary of the board, and shall pay over and account to the treasurer of the district for all money collected thereon each year at the same time he pays over state and county taxes.

(2) If the assessment has not been paid to the sheriff or collector on any parcel of land or property described in the assessment register certified to him during the year for which said assessment was levied or on or before the last day of February of the year immediately following the year for which said assessment

was levied and became due, a penalty of six per cent (6%) shall automatically attach thereto on and after said date, which shall be added to the assessment against such parcel or parcels of land on which the assessment has not been paid, to be collected in the same manner that the assessment is collected; and unless so paid the sheriff or collector shall advertise and offer for sale the assessment lien claim of said district in the same manner as state and county tax claims are required to be sold, which sale shall be for the assessments, penalties, costs and expenses of making sale in the same manner and with the same force and effect as sales of tax claims for state and county taxes, and subject to redemption by the owner within the time, on the terms, upon the penalties and upon the same conditions that are now and may hereafter be provided by general law for the redemption of land or other property sold by the sheriff for state or county taxes.

(3) When an assessment lien claim is sold for the assessment herein provided for, if no one will bid for and purchase and pay for such claim so offered for sale, the amount of the assessment, penalty, interest and costs, including the costs for advertising such sale, it shall be the duty of the sheriff making such sale to purchase same for the board of drainage commissioners to which such assessment is due and owing, and he shall make report of such fact to the *county* clerk [of the county court] of the county in which such land or property is located, as required by law under sales to the state and county for state and county taxes. He shall also certify such facts in like manner to the secretary of the board of drainage commissioners, which report shall be received and kept by the secretary of such board and recorded by him in the general drainage record book kept by him.

(4) The purchaser of any such lands pursuant to a proceeding in enforcement of said assessment lien claim shall take said property subject to the future assessments to be levied against said property for making the improvement, including all such assessments becoming delinquent after the sale of the assessment lien claim thus enforced. The purchaser of such assessment lien claims shall have the same estate, right, title, and interest in the delinquent property that purchasers of certificates of delinquency acquire at sales of tax claims for state and county taxes, subject alone to the provisions of this section.

Section 419. KRS 268.610 is amended to read as follows:

Any owner who will be affected by the proposed changes, amendments and corrections enumerated in the petition provided for in KRS 268.600, may file objections to the granting of the prayer of the petition by the date named in the notice. The fiscal court will hear such petition and all objections filed against it in a summary manner and enter its order. The clerk of the court shall within fifteen (15) days after the entering of the order, transmit a certified copy of the order and a copy of the petition to the secretary of the board, who shall transmit a copy to the *county* clerk [of the county court] of each county in which any property in the district is located. The clerk shall file and preserve these copies in his office, for which he shall receive a fee of one dollar ($1.00). If the order of the court provides that the plan for reclamation be changed or the boundary lines of the district extended, the board shall direct the appraisers to appraise the property to be taken, assess benefits and damages and estimate the cost of the improvements as in KRS 268.260 and 268.270. The appraisers' report shall be treated in the same manner as is now provided for in the original formation of districts. If the petition is dismissed the party filing it shall pay the costs, but if it is sustained in whole or in part the objectors shall pay the costs.

Section 420. KRS 269.080 is amended to read as follows:

If the probable cost of the improvement is more than the income and revenues of the county for the year in which it is to be constructed, the county *judge/executive* [court] shall order an election to be held in the county to ascertain the will of the qualified voters. The proposition to be submitted to the voters shall state the amount, and object for which it is to be expended. The amount shall not exceed two per cent (2%) of the value of the taxable property for state purposes, ascertained by the assessment next before the last assessment for state purposes. The proposed debt shall be made payable so as not to require a tax rate of more than fifty cents (50¢) on each one hundred dollars ($100) in value of property subject to taxation for state purposes. If two-thirds (2/3) of those voting on the proposition vote for it, that fact shall be noted of record in the order book of the county *judge/executive* [court]. The county judge/executive shall then have semiannual coupon bonds of the county prepared, to be made payable not later than forty (40) years after date, but payable at the option of the county at any time after two (2) years after date. The bonds shall be signed by the county judge/executive and countersigned by the county clerk. The coupons may be signed by the county clerk only. The bonds, when signed, shall be turned over to the fiscal court of the county.

Section 421. KRS 269.090 is amended to read as follows:

The fiscal court may contract with any individual or corporation to do all work and to furnish all material in the execution of any such improvement voted for in the county, and may contract to pay in bonds, or may sell the bonds and pay for the improvement out of the proceeds. If bonds are sold to pay for the improvement, one or more commissioners shall be appointed by the county *judge/executive* [court], who shall give bond, with good and sufficient security, to sell the bonds and receive and pay out the money. The fiscal court shall levy taxes on the taxable property of the county sufficient to pay the interest on the bonds and pay off enough bonds each year to discharge them all within the time they are payable.

Section 422. KRS 269.100 is amended to read as follows:

If any pond, marsh or swamp land exists in a small part of any county, and the voters thereof desire to improve that part, and the cost of the improvement amounts to more than the revenue and income of the county for that year, the county *judge/executive* [court] may lay off such part of the county into a taxing district to tax the property thereof subject to taxation for state purposes to make the improvement. The *county judge/executive* [court] may submit the proposition to the taxing district in the same way provided for submitting the proposition to the whole county. If two-thirds (2/3) of the voters voting on the proposition vote for it, that fact shall be entered on the order book of the county and semiannual coupon bonds of the county shall be prepared, delivered and managed as in KRS 269.090, to be paid by taxation of the property in the district subject to taxation for state purposes.

Section 423. KRS 269.120 is amended to read as follows:

Upon written petition signed by more than one-half (1/2) of the landowners residing within the boundary of the district of the corporation, or their agents, guardians or personal representatives, the county *judge/executive* [court] of any county in which the corporation exists shall appoint a board of commissioners consisting of three (3) landowners over twenty-five (25) years of age, residing in that county, not interested in the corporation and not owning any land within its district. Each commissioner shall be paid out of the treasury of the corporation not exceeding five dollars ($5.00) for each day's service.

Section 424. KRS 269.130 is amended to read as follows:

Before entering upon the duties of his office, each member of the board shall take the following oath before the clerk of the circuit court: "I, ... do solemnly swear that I will faithfully perform the duties of commissioner to assess, apportion and rate taxes under KRS 269.120 to 269.230; that I will impartially perform the duties of my office; that I am in no way interested in the company, nor holder or owner of any land within its boundary; and that I am a landowner and resident of .... County, Kentucky, and over twenty-five years of age." Any vacancy among the commissioners shall be filled by the county *judge/executive* [court], but the failure of the *county judge/executive* [court] to appoint a person to fill the vacancy shall not invalidate the proceedings of the board of commissioners or prevent it from acting. Two (2) members shall constitute a quorum.

Section 425. KRS 269.150 is amended to read as follows:

(1) The board of commissioners shall cause to be published pursuant to KRS chapter 424, a notice substantially as follows:

"The .... company's tax notice.

"All holders and persons interested in land within the boundary of the .... company are hereby notified that the board of commissioners appointed by the county *judge/executive* [court] under KRS 269.120 has reported an assessment and apportionment upon the land, and on the .... day of .... (insert date) it was filed with the clerk of the circuit court. Any person having any complaint to make of excessive or unjust assessment or apportionments shall file such complaint in writing with the clerk of the circuit court within thirty days after the filing of said report. As soon as practicable after the expiration of such thirty days, the clerk will set it to a day for hearing.

Signed (insert name).
Signed (insert name).
Signed (insert name).
Board of Commissioners."

The board of commissioners shall also post copies of the notice at six (6) prominent places within the boundary, within seven (7) days after the filing of the report.

(2) Any person interested, including the corporation, may, within thirty (30) days from the filing of the report, file a complaint in writing with the clerk of the circuit court, specifying the parcel of land and alleged deficiency or partiality. The clerk shall assign the hearing of the complaints to the first day convenient to the circuit court at which the corporation and complainants may be heard. The court may pass upon the justice and fairness of the complaint summarily, and receive evidence if necessary, orally or in writing.

(3) The circuit court shall approve, reduce or increase the assessment, within the limits fixed by law. As to those lands with reference to which no complaint has been filed within thirty (30) days, the court shall confirm and approve the report. When all complaints have been determined, the court shall order the report as a whole approved and confirmed, and the assessments and apportionments shall be deemed conclusive and binding upon all parties. The court may correct any error in the report, or, if necessary, recommit it, or any

part of it, to the board of commissioners at any time before confirmation.

Section 426. KRS 269.180 is amended to read as follows:
The corporation shall have a lien for all taxes upon the land assessed and upon all personal property of the owners found upon the premises not exempt from execution, attachment, or distraint. This lien shall not be defeated by any means. It is a general lien such as arises for state and county taxes, and is superior to all other claims and liens except state and county taxes. For questions of limitation or apportionment as between vendor and vendee, it dates as of July 1 of each year. Unless suit is commenced or proceedings had within ten (10) years from July 1 of any particular year, the lien for that year's taxes shall be lost. After the action of the circuit court of the county upon the assessment and apportionment, the clerk shall certify a copy of it to the *county* clerk [of the county court], who shall record it in his office, together with a map showing the boundary of the corporation, and index the liens in real estate indexes in the name of the owner as grantor and the corporation as grantee. This record shall be notice to all persons of the taxes and any interest and costs thereon, and of the lien retained upon the land. When any tax has been paid, the president or treasurer of the corporation shall enter the word "paid" upon the record in the proper column, and enter the amount so paid and subscribe thereto the name of the corporation by him. The taxes shall be used by the corporation to maintain its system of ditches, and adding any necessary ditches and extensions, and for the general drainage purposes of the corporation.

Section 427. KRS 269.220 is amended to read as follows:
Upon the petition of the corporation desiring an extension or addition to the boundaries of its drainage district, the petition to be accompanied by a map showing the desired extension or addition, the county *judge/executive* [court] shall cause summons to be issued against the owners of lands within the proposed extension or added territory calling upon them to show cause why the extension or addition should not be made. If a numerical majority of the persons owning land within the proposed extension or addition consent of record to it, the county *judge/executive* [court] shall enter *an order* [a judgment] establishing the extension or additional boundary. Appeal shall lie for sixty (60) days to the circuit court, and if the *order* [judgment] is affirmed or reversed, then to the Court of Appeals. The county *judge/executive* and circuit *court* [courts] shall certify to the *county* clerk [of the county court] their *orders and* judgments, which shall be recorded in the book showing the assessment and taxes. The extension or added territory shall be subject to the same provisions as the original district, and an assessment may be initiated by the corporation and by the owners of more than half the land within the extension or addition. The assessment shall be for the remaining years of the ten (10) year term as provided for other property in the district, and steps to perfect the assessment with respect to added or extended territory shall be had in accordance with the provisions for the original district.

Section 428. KRS 269.230 is amended to read as follows:
(1) The clerk of the circuit court shall receive from the corporation not more than ten cents (10¢) for each parcel of land assessed, and shall deposit such sums in the manner provided for in KRS 30A.120. The *county* clerk [of the county court] shall receive the same fees for recording the assessment in his office.
(2) The board of directors of the corporation shall annually, in January, file with the county clerk a detailed statement of all money received by it, from whom received and how spent.

Section 429. KRS 269.260 is amended to read as follows:
(1) If at any time any person or persons owning lands within any drainage district desires to withdraw his lands in whole or in part from the drainage district, such person or persons upon the approval of a majority of the qualified members of the drainage board may petition the county *judge/executive* [court] for a withdrawal of his or their lands from the district. The *county* judge*/executive* shall *set a date for a hearing on the petition not less than fifteen (15) nor more than thirty (30) days after the petition is filed* [docket the petition upon the docket of his court which convenes not less than fifteen (15) days after the filing thereof with him,] and issue and cause to be served upon the drainage board notice *of the hearing* [that, at the next term of his court which convenes not less than ten (10) days after the service, he will consider the petition]. Upon proper showing that the lands should be withdrawn from the drainage district, and if no valid reason is shown against the withdrawal of the lands from the drainage district, the *county judge/executive* [judge] shall enter an order withdrawing the lands. After the order of withdrawal is entered, the lands shall cease to be within the drainage district, but an appeal may be taken from the order to the circuit court, and from the circuit court to the Court of Appeals. All costs in any action filed to be paid by the petitioner or petitioners regardless of the result of the action.
(2) The withdrawal of lands from a drainage district as provided for in subsection (1) shall not relieve land already within a drainage district from the payment of its proportionate part of any bonds or other outstanding indebtedness which were issued or incurred in the district, but shall only relieve the land from the payment of maintenance assessments on the ditches.

Section 430. KRS 269.270 is amended to read as follows:

(1) The county *judge/executive* [court] in each county of this Commonwealth, wherein the fiscal court has requested it, is hereby authorized to establish a county-wide surface water drainage district for the entire county including all municipalities. The cost of procuring the necessary rights of way and the construction and maintenance of such county-wide drainage district shall be paid by the fiscal court out of the annual levy for county taxes. When the fiscal court undertakes such a project it may acquire for the county by contract or condemnation any land necessary to carry out the project. If condemnation proceedings are necessary they shall be conducted in the manner provided in KRS 416.010 to 416.080.

(2) The administration of this district shall be exclusively by or within the fiscal court of said county, and the fiscal court is hereby authorized and empowered to employ such assistants, including commissioners or superintendent, and other employes as may be necessary for the construction, maintenance and continued operation of said system, and shall fix the salaries of all employes to be paid as other county employes are paid.

(3) In the construction and maintenance of such drainage system the fiscal court is authorized and empowered, as a part of the cost of construction and maintenance of said system, to build or construct such bridges and culverts over and across the ditches or canals of this system as in the opinion of the fiscal court are necessary.

(4) Nothing herein contained shall authorize or empower the construction or maintenance of a sanitary sewer system or sanitary sewers.

Section 431. KRS 271A.080 is amended to read as follows:

(1) If the articles of incorporation so provide, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles of incorporation, but all shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

(a) The rate of dividend;

(b) Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption;

(c) The amount payable upon shares in event of voluntary and involuntary liquidation;

(d) Sinking fund provisions, if any, for the redemption or purchase of shares;

(e) The terms and conditions, if any, on which shares may be converted;

(f) Voting rights, if any.

(2) If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series and fixed and determined the variations in the relative rights and preferences as between series, the board of directors shall have authority to divide any or all of such classes into series and, within the limitations set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established and to change shares of one series that have been redeemed or reacquired into shares of another series.

(3) In order for the board of directors to establish a series, where authority so to do is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as shall not be fixed and determined by the articles of incorporation.

(4) Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file in the office of the secretary of state a statement setting forth:

(a) The name of the corporation;

(b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof;

(c) The date of adoption of such resolution;

(d) That such resolution was duly adopted by the board of directors.

(5) Such statement shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this chapter prescribed:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day, and year of the filing thereof;

(b) File one of such triplicate originals in his office; and

(c) Return the other triplicate originals to the corporation or its representative. One of such triplicate originals shall be filed by the corporation with the *county* clerk [of the County Court] of the county in which the registered office of the corporation is located in the same manner as articles of amendment are required to be filed.

(6) Upon the filing of such statement by the secretary of state, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation.

Section 432. KRS 271A.275 is amended to read as follows:

(1) Triplicate originals of the articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to law, he shall, when all fees and taxes therefor have been paid as prescribed by law:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office; and

(c) Issue a certificate of incorporation to which he shall affix one other triplicate original.

(2) The certificate of incorporation, together with the two triplicate originals of the articles of incorporation, shall be returned to the incorporators or their representative. One of such triplicate originals shall then be filed with and recorded by the *county* clerk [of the county court] of the county in which is situated the registered office of the corporation.

Section 433. KRS 271A.310 is amended to read as follows:

(1) Triplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he shall, when all fees and taxes therefor have been paid as prescribed by law:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office;

(c) Issue a certificate of amendment to which he shall affix one other triplicate original.

(2) The certificate of amendment, together with the two triplicate originals of the articles of amendment, shall be returned to the corporation or its representative. One of such triplicate originals shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which is situated the registered office of the corporation.

Section 434. KRS 271A.320 is amended to read as follows:

(1) A domestic corporation may at any time restate its articles of incorporation as theretofore amended, by a resolution adopted by the board of directors.

(2) Upon the adoption of such resolution, restated articles of incorporation shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or assistant secretary and verified by one of the officers signing such articles and shall set forth all of the operative provisions of the articles of incorporation as theretofore amended together with a statement that the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

(3) Triplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that such restated articles of incorporation conform to law, he shall, when all fees have been paid as in this chapter prescribed:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office; and

(c) Issue a restated certificate of incorporation, to which he shall affix one other triplicate original.

(4) The restated certificate of incorporation, together with the two triplicate originals of the restated articles of incorporation, shall be returned to the corporation or its representative. One of such triplicate originals shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which is situated the registered office of the corporation.

(5) Upon the issuance of the restated certificate of incorporation by the secretary of state, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto.

Section 435. KRS 271A.325 is amended to read as follows:

(1) Whenever a plan of reorganization of a corporation has been confirmed by decree or order of a court of competent jurisdiction in proceedings for the reorganization of such corporation, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, the articles of incorporation of the corporation may be amended, in the manner provided in this section, in as many respects as may be necessary to carry out the plan and put it into effect, so long as the articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment.

(2) In particular and without limitation upon such general power of amendment, the articles of incorporation may be amended for such purpose so as to:

(a) Change the corporate name, period of duration or corporate purposes of the corporation;

(b) Repeal, alter or amend the bylaws of the corporation;

(c) Change the aggregate number of shares or shares of any class, which the corporation has authority to issue;

(d) Change the preferences, limitations and relative rights in respect of all or any part of the shares of the corporation, and classify, reclassify or cancel all or any part thereof, whether issued or unissued;

(e) Authorize the issuance of bonds, debentures or other obligations of the corporation, whether or not convertible into shares of any class or bearing warrants or other evidences of optional rights to purchase or subscribe for shares of any class, and fix the terms and conditions thereof; and

(f) Constitute or reconstitute and classify or reclassify the board of directors of the corporation, and appoint directors and officers in place of or in addition to all or any of the directors or officers then in office.

(3) Amendments to the articles of incorporation pursuant to this section shall be made in the following manner:

(a) Articles of amendment approved by decree or order of such court shall be executed and verified in triplicate by such person or persons as the court shall designate or appoint for the purpose, and shall set forth the name of the corporation, the amendments of the articles of incorporation approved by the court, the date of the decree or order approving the articles of amendment, the title of the proceedings in which the decree or order was entered, and a statement that such decree or order was entered by a court having jurisdiction of the proceedings for the reorganization of the corporation pursuant to the provisions of an applicable statute of the United States.

(b) Triplicate originals of the articles of amendment shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of amendment conform to law, he shall, when all fees have been paid as in this chapter prescribed:

1. Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

2. File one of such triplicate originals in his office;

3. Issue a certificate of amendment to which he shall affix one other triplicate original.

(4) The certificate of amendment, together with the two triplicate originals of the articles of amendment, shall be returned to the corporation or its representative. One of such triplicate originals shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which is situated the registered office of the corporation.

(5) Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly, without any action thereon by the directors or shareholders of the corporation and with the same effect as if the amendments had been adopted by unanimous action of the directors and shareholders of the corporation.

Section 436. KRS 271A.335 is amended to read as follows:

(1) When redeemable shares of a corporation are redeemed or purchased by the corporation, the redemption or purchase shall effect a cancellation of such shares, and promptly after the close of each calendar quarter during which any such shares have been redeemed or purchased, a statement of cancellation aggregating such redemptions and purchases shall be filed as provided in this section. Thereupon such shares shall be restored to the status of authorized but unissued shares, unless the articles of incorporation provide that such shares when redeemed or purchased shall not be reissued, in which case the filing of the statement of cancellation shall constitute an amendment to the articles of incorporation and shall reduce the number of shares of the class so cancelled which the corporation is authorized to issue by the number of shares so cancelled.

(2) The statement of cancellation shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation;

(b) The number of redeemable shares cancelled through redemption or purchase, itemized by classes and series;

(c) The aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation;

(d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation; and

(e) If the articles of incorporation provide that the cancelled shares shall not be reissued, the number of shares which the corporation will have authority to issue itemized by classes and series, after giving effect to such cancellation.

(3) Triplicate originals of such statement shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this chapter prescribed:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office;

(c) Return the other triplicate originals to the corporation or its representative. One of such triplicate originals shall then be filed with and recorded by the *county* clerk ~~[of the county court]~~ in the county in which is situated the registered office of the corporation.

(4) Upon the filing of such statement of cancellation by the secretary of state, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so cancelled.

(5) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this chapter.

Section 437. KRS 271A.340 is amended to read as follows:

(1) A corporation may at any time, by resolution of its board of directors, cancel all or any part of the shares of the corporation of any class reacquired by it, other than redeemable shares redeemed or purchased, and in such event a statement of cancellation shall be filed as provided in this section.

(2) The statement of cancellation shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation;

(b) The number of reacquired shares cancelled by resolution duly adopted by the board of directors, itemized by classes and series, and the date of its adoption;

(c) The aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation; and

(d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation.

(3) Triplicate originals of such statement shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this chapter prescribed:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office; and

(c) Return the other triplicate originals to the corporation or its representative. One of such triplicate originals shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which is situated the registered office of the corporation.

(4) Upon the filing of such statement of cancellation by the Secretary of State, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so cancelled, and the shares so cancelled shall be restored to the status of authorized but unissued shares.

(5) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this chapter.

Section 438. KRS 271A.345 is amended to read as follows:

(1) A reduction of the stated capital of a corporation, where such reduction is not accompanied by any action requiring an amendment of the articles of incorporation and not accompanied by a cancellation of shares, may be made in the following manner:

(a) The board of directors shall adopt a resolution setting forth the amount of the proposed reduction and the manner in which the reduction shall be effected, and directing that the question of such reduction be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting;

(b) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the question of reducing the stated capital of the corporation in the amount and manner proposed by the board of directors, shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this chapter for the giving of notice of meetings of shareholders;

(c) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the question of approving the proposed reduction of stated capital, which shall require for its adoption the affirmative vote of the holders of a majority of the shares entitled to vote thereon.

(2) When a reduction of the stated capital of a corporation has been approved as provided in this section, a statement shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation;

(b) A copy of the resolution of the shareholders approving such reduction, and the date and manner of its adoption; and

(c) A statement of the manner in which such reduction is effected, and a statement, expressed in dollars, of the amount of stated capital of the corporation after giving effect to such reduction.

(3) Triplicate originals of such statement shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this chapter prescribed:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office; and

(c) Return the other triplicate originals to the corporation or its representative. One of such triplicate originals shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which is situated the registered office of the corporation.

(4) Upon the filing of such statement by the secretary of state, the stated capital of the corporation shall be reduced as therein set forth.

(5) No reduction of stated capital shall be made under the provisions of this section which would reduce the amount of the aggregate stated capital of the corporation to an amount equal to or less than the aggregate preferential amounts payable upon all issued shares having a preferential right in the assets of the corporation in the event of involuntary liquidation, plus the aggregate par value of all issued shares having a par value but no preferential right in the assets of the corporation in the event of involuntary liquidation.

Section 439. KRS 271A.370 is amended to read as follows:

(1) Upon such approval, articles of merger or articles of consolidation shall be executed in triplicate by each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

(a) The plan of merger or the plan of consolidation; and

(b) As to each corporation, the date and manner of adoption of such plan.

(2) Triplicate originals of the articles of merger or articles of consolidation shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees and taxes therefor have been paid as prescribed by law:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office; and

(c) Issue a certificate of merger or a certificate of consolidation to which he shall affix one other triplicate original.

(3) The certificate of merger or certificate of consolidation, together with the two triplicate originals of the articles of merger or articles of consolidation, shall be returned to the surviving or new corporation, as the case may be, or its representative. One of such triplicate originals shall then be filed with and recorded by the *county* clerks [of the county court] in the counties in which is situated the registered office of the corporations.

Section 440. KRS 271A.410 is amended to read as follows:

(1) A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators at any time in the following manner:

(a) Articles of dissolution shall be executed in triplicate by a majority of the incorporators, and verified by them, and shall set forth:

1. The name of the corporation;
2. The date of issuance of its certificate of incorporation;

3. That none of its shares has been issued;
4. That the corporation has not commenced business;
5. That the amount, if any, actually paid in on subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto;
6. That no debts of the corporation remain unpaid; and
7. That a majority of the incorporators elect that the corporation be dissolved.

(b) Triplicate originals of the articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that the articles of dissolution conform to law, he shall, when all fees have been paid as in this chapter prescribed:

1. Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;
2. File one of such triplicate originals in his office; and
3. Issue a certificate of dissolution to which he shall affix one other triplicate original.

(2) The certificate of dissolution, together with the two triplicate originals of the articles of dissolution, shall be returned to the incorporators or their representative. One of such triplicate originals shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which is situated the registered office of the corporation. Upon the issuance of such certificate of dissolution by the secretary of state, the existence of the corporation shall cease.

Section 441. KRS 271A.425 is amended to read as follows:

Quadruplicate originals of the statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all taxes, fees and charges have been paid as prescribed by law:

(1) Endorse on each of such quadruplicate originals the word "Filed," and the month, day and year of the filing thereof;

(2) File one of the quadruplicate originals in his office;

(3) Immediately forward one of the quadruplicate originals to the commissioner of revenue; and

(4) Return the other two quadruplicate originals to the corporation or its representative. One of such quadruplicate originals shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which is situated the registered office of the corporation.

Section 442. KRS 271A.450 is amended to read as follows:

Quadruplicate originals of the statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this chapter prescribed:

(1) Endorse on each of such quadruplicate originals the word "Filed," and the month, day and year of the filing thereof;

(2) File one of the quadruplicate originals in his office;

(3) Forward one of the quadruplicate originals to the Commissioner of Revenue; and

(4) Return the other two quadruplicate originals to the corporation or its representative. One of such quadruplicate originals shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which is situated the registered office of the corporation.

Section 443. KRS 271A.465 is amended to read as follows:

(1) Triplicate originals of such articles of dissolution shall be delivered to the secretary of state. He shall take no action with regard thereto until he has received from the commissioner of revenue a certificate certifying that all tax liability of the corporation to the state has been satisfied in full, and approving the dissolution of the corporation, such approval being conditioned solely upon the status of the tax liability of the corporation. However, if after thirty (30) days have elapsed since the statement of intent to dissolve was forwarded to the commissioner of revenue as provided in KRS 271A.425, No notice that taxes are due has been filed with the secretary of state by the commissioner of revenue, the secretary of state shall proceed as if approval had been given, but if it is later determined that the corporation is indebted for taxes to the state or any of its political subdivisions, this provision shall not relieve any such liability. When approval of the commissioner of revenue has been given or deemed to have been given as above provided, and when the fees due the secretary of state have been paid, the secretary of state shall, if he finds that the articles of dissolution conform to law:

(a) Indorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one (1) of such triplicate originals in his office; and

(c) Issue a certificate of dissolution to which he shall affix one (1) of the other triplicate originals.

(2) The certificate of dissolution, together with the triplicate originals of the articles of dissolution, shall be returned to the representative of the dissolved corporation. One (1) of such triplicate originals shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which is situated the registered office of the corporation. Upon the issuance of such certificate of dissolution the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by shareholders, directors and officers as provided in this chapter.

Section 444. KRS 271A.505 is amended to read as follows:

In case the court shall enter a decree dissolving a corporation, it shall be the duty of the clerk of such court to cause a certified copy of the decree to be filed with the secretary of state and another certified copy of the decree to be recorded in the office of the *county* clerk [of the county court] of the county in which the registered office of the corporation is situated. No fee shall be charged by the secretary of state for the filing thereof and no fee shall be charged by the *county* clerk [of the county court] for the recording thereof.

Section 445. KRS 271A.630 is amended to read as follows:

In respect of the following documents, the fees to be collected by the secretary of state for filing and issuing, when required by this chapter, and by the *county* clerk [of the county court] for recording, when required by this chapter, shall be:

(1) Articles of incorporation and a certificate of incorporation, by the secretary of state, fifteen dollars, and by the clerk, five dollars;

(2) Articles of amendment and a certificate of amendment, by the secretary of state, fifteen dollars, and by the clerk, five dollars;

(3) Restated articles of incorporation and a restated certificate of incorporation, by the secretary of state, fifteen dollars, and by the clerk, five dollars;

(4) Articles of merger or consolidation and a certificate of merger or consolidation, by the secretary of state, fifteen dollars, and by the clerk, five dollars;

(5) An application to reserve a corporate name, by the secretary of state, ten dollars;

(6) A notice of transfer of a reserved corporate name, by the secretary of state, ten dollars;

(7) A statement of change of address of registered office or change of registered agent, or both, by the secretary of state, ten dollars;

(8) A statement of the establishment of a series of shares, by the secretary of state, ten dollars, and by the clerk, five dollars;

(9) A statement of cancellation of shares, by the secretary of state, ten dollars, and by the clerk, five dollars;

(10) A statement of reduction of stated capital, by the secretary of state, ten dollars, and by the clerk, five dollars;

(11) A statement of intent to dissolve, by the secretary of state, ten dollars, and by the clerk, five dollars;

(12) A statement of revocation of voluntary dissolution proceedings, by the secretary of state, ten dollars, and by the clerk, five dollars;

(13) Articles of dissolution and certificate of dissolution, by the secretary of state, fifteen dollars, and by the clerk, five dollars;

(14) An application of a foreign corporation for a certificate of authority to transact business in this state and a certificate of authority, by the secretary of state, thirty-five dollars;

(15) An application of a foreign corporation for an amended certificate of authority to transact business in this state and an amended certificate of authority, by the secretary of state, ten dollars;

(16) A copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, by the secretary of state, ten dollars;

(17) A copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, by the secretary of state, ten dollars;

(18) An application for withdrawal of a foreign corporation and a certificate of withdrawal, by the secretary of state, ten dollars;

(19) An annual report, by the secretary of state, five dollars;

(20) Any other statement or report, of a foreign or domestic corporation, by the secretary of state, ten dollars, and by the clerk, five dollars.

(21) All of the county [court] clerk fees for recording are five dollars for the first three legal-size pages and one dollar per legal-size page for each additional legal-size page.

Section 446. KRS 272.141 is amended to read as follows:

(1) Amendments to the articles of incorporation shall be made in the following manner: The board shall by an affirmative vote of not less than two-thirds (2/3) of its members, present and voting at any regular or special meeting, adopt a resolution approving the proposed amendment and directing that the proposed amendment be submitted to a vote of the association members at any annual or special meeting duly called. Written or printed notice setting forth the proposed amendment, or a summary of the changes to be effected thereby, shall be given to each member of the association entitled to vote at any such meeting, within the time and in the manner provided in KRS 272.161. The proposed amendment, or amendments, shall be adopted by the affirmative vote of not less than a majority of the votes entitled to be cast by the members present in person, or by proxy (if permitted by the bylaws), and voting at any such meeting.

(2) Notwithstanding the provisions of subsection (1), an amendment whose only effect is to extend an association's period of duration may be adopted by the affirmative vote of not less than two-thirds (2/3) of the directors present and voting at any duly called board meeting, and shall become effective when signed and acknowledged by the chairman, or other presiding officer, of the board and filed and recorded pursuant to KRS 272.131.

(3) The articles of amendment shall set forth:

(a) The name of the association;

(b) The amendment adopted;

(c) A statement setting forth the date of the meeting of the board at which the amendment, or amendments, was approved; that the meeting was duly called and that a quorum was present; and that a resolution approving the proposed amendment, or amendments, received an affirmative vote of not less than two-thirds (2/3) of the members of the board present and voting at such meeting;

(d) A statement setting forth the date of the meeting of the members of the association at which the amendment was adopted; that the meeting was duly called and that a quorum was present; and that such amendment received an affirmative vote of not less than a majority of the votes entitled to be cast by members present in person, or by proxy (if permitted by the bylaws), and voting at such meeting;

(e) For the recording of articles of incorporation or amendments thereto by the secretary of state and county [court] clerk, and for the issuance of a certificate of incorporation or certificate of amendment by the secretary of state, an association shall pay the same fees as are provided for such services in the statutes relating to corporations generally.

(4) A copy of the articles of amendment indorsed by the secretary of state with the fact and time of recording in his office, shall be filed with the dean of the college of agriculture of the University of Kentucky, and with the commissioner, department of agriculture.

Section 447. KRS 272.410 is amended to read as follows:

The articles of incorporation shall be signed, acknowledged, filed and recorded in accordance with the provisions of the general corporation law of this state, and, in addition, a quadruplicate of the articles, indorsed by the secretary of state with the fact and time of recording of the articles in his office, shall be filed with the department of agriculture within ten (10) days after the articles have been recorded in the office of the secretary of state. After the articles have been duly filed and recorded, and a certificate of incorporation has been issued, the corporation may proceed to do business. For recording the articles and issuing a certificate of incorporation the secretary of state shall be entitled to a fee of two dollars and fifty cents ($2.50), and for recording the articles the county [court] clerk shall be entitled to a fee of two dollars and fifty cents ($2.50), which fees shall be in lieu of all other fees charged by either of such officers.

Section 448. KRS 273.130 is amended to read as follows:

If any religious society holding land dissolves, the title shall vest in the trustees of the county seminary in which the land lies for the use of that seminary; and if there is no such seminary, then in the county *judge/executive* [court], for the benefit of common schools in the county.

Section 449. KRS 273.251 is amended to read as follows:

(1) The articles of incorporation in triplicate originals shall be acknowledged by at least one of the incorporators before an officer authorized by the laws of this state to take acknowledgments and the triplicate originals shall be delivered to the secretary of state. If he finds that the articles of incorporation have been signed and acknowledged according to law, he shall, when all taxes, fees and charges have been paid as required by law, record one (1) original in his office, and issue a certificate of incorporation.

(2) The certificate of incorporation together with the remaining original articles of incorporation, indorsed with the fact and time of recording in the office of the secretary of state, shall be returned to the incorporator or incorporators or his or their representatives. One (1) original shall then be filed with and recorded by the *county* clerk [of the county court] of the county in which the registered office of the corporation is situated, and the other shall be retained by the corporation.

Section 450. KRS 273.271 is amended to read as follows:

(1) The triplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment have been duly signed and acknowledged according to law, he shall when all taxes, fees and charges therefor have been paid as required by law, record one (1) original in his office and shall issue a certificate of amendment. Thereupon the amendment shall become effective.

(2) The certificate of amendment together with the remaining original articles of amendment indorsed with the fact and time of recording in the office of the secretary of state shall be returned to the corporation. One (1) original shall then be filed with and recorded by the *county* clerk [of the county court] of the county in which the registered office of the corporation is located, and the other shall be retained by the corporation.

Section 451. KRS 273.273 is amended to read as follows:

(1) A domestic corporation may at any time restate its articles of incorporation as theretofore amended, in the following manner:

(a) If there are members entitled to vote thereon, the board of directors shall adopt a resolution setting forth the proposed restated articles of incorporation and directing that they be submitted to a vote at a meeting of members entitled to vote thereon, which may be either an annual or a special meeting.

(b) Written notice setting forth the proposed restated articles or a summary of the provisions thereof shall be given to each member entitled to vote thereon, within the time and in the manner provided in KRS 273.161 to 273.390 for the giving of notice of meetings of members. If the meeting be an annual meeting, the proposed restated articles or a summary of the provisions thereof may be included in the notice of such annual meeting.

(c) At such meeting a vote of the members entitled to vote thereon shall be taken on the proposed restated articles, which shall be adopted upon receiving the affirmative vote of a majority of the members entitled to vote thereon present at such meeting or represented by proxy.

(d) If there are no members, or no members entitled to vote thereon, the proposed restated articles shall be adopted at a meeting of the board of directors upon receiving the affirmative vote of a majority of the directors in office.

(2) Upon such approval, restated articles of incorporation shall be executed in triplicate by the corporation, by its president or vice president and by its secretary or assistant secretary and shall set forth:

(a) The name of the corporation.

(b) The period of its duration.

(c) The purpose or purposes which the corporation is authorized to pursue.

(d) Any other provisions, not inconsistent with law, which are then set forth in the articles of incorporation as theretofore amended, except that it shall not be necessary to set forth in the restated articles of incorporation the registered office of the corporation, its registered agent, its directors or its incorporators.

(3) The restated articles of incorporation shall state that they correctly set forth the provisions of the articles of incorporation as theretofore amended, that they have been duly adopted as required by law and that they supersede the original articles of incorporation and all amendments thereto.

(4) Triplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that such restated articles conform to law, he shall, when all fees have been paid as in KRS 273.161 to 273.390 prescribed:

(a) Indorse on each of such triplicate originals the word "Filed" and the month, day and year of the filing thereof.

(b) File one (1) of such triplicate originals in his office.

(c) Issue a restated certificate of incorporation to which he shall affix the other duplicate original.

(5) The restated certificate of incorporation, together with the remaining original restated articles of incorporation shall be returned by the secretary of state to the corporation or its representative. One (1) original shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which the registered office of the corporation is located, and the other shall be retained by the corporation.

Section 452. KRS 273.287 is amended to read as follows:

(1) Upon such approval, articles of merger or articles of consolidation shall be executed in triplicate by each corporation by its president or a vice president and by its secretary or an assistant secretary, and shall set forth:

(a) The plan of merger or the plan of consolidation.

(b) If the members of any merging or consolidating corporation are entitled to vote thereon, then as to each such corporation 1. a statement setting forth the date of the meeting of members at which the plan was adopted, that a quorum was present at such meeting, and that such plan received at least two-thirds ($^2/_3$) of the votes which members present at such meeting or represented by proxy were entitled to cast, or 2. a statement that such amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

(c) If any merging or consolidating corporation has no members, or no members entitled to vote thereon, then as to each such corporation a statement of such fact, the date of the meeting of the board of directors at which the plan was adopted and a statement of the fact that such plan received the vote of a majority of the directors in office.

(2) Triplicate originals of the articles of merger or articles of consolidation shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall:

(a) Indorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof.

(b) File one (1) of such triplicate originals in his office.

(c) Issue a certificate of merger or a certificate of consolidation.

(3) The certificate of merger or certificate of consolidation, together with the remaining originals of the articles of merger or articles of consolidation, shall be returned to the surviving or new corporation, as the case may be, or its representative. One (1) original shall then be filed with and recorded by the *county* clerk [of the county court] in the county in which the registered office of the corporation is located, and the other shall be retained by the surviving or new corporation.

Section 453. KRS 273.317 is amended to read as follows:

(1) Triplicate originals of such articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that such articles of dissolution conform to law, he shall, when all fees have been paid:

(a) Indorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof.

(b) File one (1) of such duplicate originals in his office.

(c) Issue a certificate of dissolution to which he shall affix the other duplicate original.

(2) The certificate of dissolution, together with the remaining originals of the articles of dissolution shall be returned to the representative of the dissolved corporation. Upon the issuance of such certificate of dissolution the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by members, directors and officers as provided by law.

(3) One (1) of the triplicate originals of the articles of dissolution shall be filed with and recorded by the *county* clerk [of the county court] of the county in which the registered office of the corporation is situated.

Section 454. KRS 273.368 is amended to read as follows:

In respect of the following documents, the fees to be collected by the secretary of state for filing and issuing, when required by this chapter, and by the *county* clerk [of the county court] for recording, when required by this chapter, shall be:

(1) Articles of incorporation and a certificate of incorporation, by the secretary of state four dollars ($4.00), and by the clerk, three dollars ($3.00);

(2) Articles of amendment and a certificate of amendment, by the secretary of state, four dollars ($4.00), and by the clerk, three dollars ($3.00);

(3) Restated articles of incorporation and restated certificate of incorporation, by the secretary of state, four dollars ($4.00), and by the clerk, three dollars ($3.00);

(4) Articles of merger or consolidation and a certificate of merger or consolidation, by the secretary of state, four dollars ($4.00), and by the clerk, three dollars ($3.00);

(5) Articles of dissolution and certificate of dissolution, by the secretary of state, three dollars ($3.00), and by the clerk, two dollars ($2.00);

(6) A statement of change of address of registered office or change of registered agent, or both, by the secretary of state, five dollars ($5.00);

(7) A statement by a foreign corporation designating a resident process agent, by the secretary of state, five dollars ($5.00);

(8) An annual report by a domestic corporation, by the secretary of state, two dollars ($2.00);

(9) An annual report by a foreign corporation, by the secretary of state, four dollars ($4.00); and

(10) Certified copy of the articles of incorporation and existing amendments, by the secretary of state, twenty-five dollars ($25.00) as an original filing fee, and a recording fee of ten dollars ($10.00); ten dollars ($10.00) for recording subsequent amendments.

(11) Any other statement or report of a foreign or domestic corporation, by the secretary of state, four dollars ($4.00), and by the clerk, two dollars ($2.00).

Section 455. KRS 277.090 is amended to read as follows:

(1) Any railroad company may, without securing the grant of any ferry franchise or privilege from the county *judge/executive* [court], transport, or employ other persons to transport for it, any passengers,

baggage or freight carried, or to be carried, on its railroad line, across any stream within or bordering upon this state.

(2) Any railroad company operating a ferry for the purposes mentioned in subsection (1) of this section may transport thereon any other persons, freight or baggage offered for transportation upon obtaining the grant of a ferry franchise or privilege in the manner prescribed by law, except that no railroad company, employe, agent or trustee of a railroad company, shall be granted a franchise or privilege to establish, operate or maintain a new ferry within one mile and a half in a straight line of any ferry already established and in operation.

Section 456. KRS 277.280 is amended to read as follows:

(1) Each railroad policeman shall, before he enters upon the discharge of the duties of his office, execute bond, with good security, conditioned for the faithful performance of his duty as such policeman, and take and subscribe an oath of office and the oath required by Section 228 of the constitution. The bond shall be executed in the [county court of the] county in which the policeman resides, or in which the railroad has its registered process agent, if any, within the state, or in which the policeman performs any duties as a railroad policeman, and the bond shall be approved, and the oath administered, by the county judge/executive. The bond and oath shall be entered of record by the county clerk, and the execution of the bond and the taking of the oath shall be indorsed upon the commission of the person so qualifying. Each policeman so appointed and commissioned shall, throughout the counties through which the railroad operates, have and exercise the powers of sheriffs and constables in making arrests for public offenses committed upon or about railroad property, and in serving process in criminal and penal prosecutions for such offenses, and shall be subject to all the liabilities of sheriffs or constables.

(2) The compensation of railroad policemen shall be fixed and paid by the railroad company for which they are appointed.

Section 457. KRS 280.180 is amended to read as follows:

(1) The several county *judges/executive* [courts] have jurisdiction to establish ferries and grant ferry privileges upon any river or stream in or adjoining their respective counties, and for regulating, controlling and revoking the same.

(2) A ferry shall be established at the instance and for the benefit of the owner of the land on which it is located, or of some person who has obtained from the owner the privilege of using the land for that purpose. No application to establish a ferry shall be heard unless notice of the application has been posted at the courthouse door *at least fifteen (15) days prior to the date* [on the first day of the county court next preceding the term at which] the application is to be made.

(3) No ferry privilege shall be granted for a longer period than twenty (20) years.

(4) No ferry privilege shall be sold or leased without the consent of the county *judge/executive* [court]. If any estate for a term of years in a ferry privilege passes by descent or by will, the personal representative shall, within one (1) year after administration is granted, sell the privilege with the consent of the county *judge/executive* [court]. Each nonresident owner of a ferry privilege shall, with the consent of the county *judge/executive* [court], sell it to a resident of this state within one (1) year after his removal from the state or the accrual of his right.

Section 458. KRS 280.220 is amended to read as follows:

(1) If the grantee of a ferry privilege does not, within six (6) months after the grant, put and keep the required boats and hands in use, the county *judge/executive* [court] shall, after notice to him, revoke his grant.

(2) Any failure for one (1) year to keep up a ferry in the manner required, or any sale or lease of a ferry privilege made to, or contract not to use a ferry privilege made with, the owner, tenant or partner of a ferry established within one (1) mile thereof, or the owner, tenant or partner of a ferry established on the other side of the Ohio River or Mississippi River, shall be deemed an abandonment of the ferry privilege, and the county *judge/executive* [court] shall, upon notice to the grantee, revoke his ferry privilege.

(3) Upon failure to comply with any of the requirements of subsection (4) of KRS 280.180 or subsection (3) of KRS 280.200, the county *judge/executive* [court] shall revoke the ferry privilege, after first summoning the party or, if he is a nonresident, after warning him by an order posted at the courthouse door [, on a court day of a previous term,] and by publication pursuant to KRS chapter 424.

Section 459. KRS 280.230 is amended to read as follows:

If no owner of the land on either side of the stream over which a public highway passes will obtain the ferry privilege, or if such an owner, after obtaining the privilege, abandons it or fails to keep it up according to law, the county *judge/executive* [court] may, after reasonable notice, grant the privilege to another. When it is necessary to the proper exercise of the privilege by such grantee, an action may be brought to condemn permanently, or for not more than twenty (20) years, at the option of the owner of the privilege, not more than two (2) acres of ground adjoining the landing, together with the use, for ferry purposes, of any adjacent uninclosed bank of the stream. Condemnation shall be pursuant to the Eminent Domain Act of Kentucky.

Section 460. KRS 280.240 is amended to read as follows:

At the time of granting any ferry privilege, the county *judge/executive* [court] shall prescribe the number and kind of boats to be kept, the number of hands to be employed, and how the boats shall be propelled, and may, once in each year thereafter, change the same, after notice to the person granted the privilege. Where the rapidity of the current does not require the ferry boat to be propelled by poles, the court shall prescribe that the boat shall have a substantial railing at least two (2) feet high on its sides.

Section 461. KRS 280.250 is amended to read as follows:

(1) At the time of granting any ferry privilege, the county *judge/executive* [court] shall fix the rates of toll to be charged at the ferry, which shall be in the following proportions: For every heavy four-wheeled wagon, carriage or coach and driver, the same as for six (6) horses; for every light or open four-wheeled carriage or light wagon and driver, the same as for four (4) horses; for every two-wheeled carriage or cart and driver, the same as for two (2) horses; for every hogshead of tobacco, not in a wagon or cart, the same as for one (1) horse; for every head of neat-cattle, the same as for one (1) horse; for every sheep, goat, hog or lamb, one-fifth (1/5) as much as for a horse.

(2) The rates may be changed by order from time to time, but before an increase may be made reasonable notice of the application must be given to the county attorney, or posted for at least one (1) month on the courthouse door, and before a reduction may be made the county attorney must have written notice served on the owner of the ferry.

(3) No owner or keeper of a ferry, or agent or servant thereof, shall demand or take from any person a greater toll than that allowed by the order of the county *judge/executive* [court] fixing the rates of toll at his ferry. A violation of this provision by a keeper, agent or servant shall be deemed a violation by the owner.

Section 462. KRS 280.290 is amended to read as follows:

(1) Any person interested may appeal from any order of the county *judge/executive* [court] concerning a ferry or ferry rates to the circuit court of the county, and thence to the Court of Appeals, both of which shall have jurisdiction of law and fact, but the Court of Appeals of only such facts as are certified from the circuit court. The appeal shall be prosecuted to the circuit court within thirty (30) days from the making of the order, and to the Court of Appeals in accordance with the Rules of Civil Procedure. The county attorney may take an appeal in the name of the Commonwealth from any order of the county *judge/executive* [court] concerning a ferry or ferry rates, but only if some person becomes responsible to the adverse party for the cost incident thereto.

(2) The circuit court shall hear each appeal brought under subsection (1) of this section as an original case, and may command the county *judge/executive* [court] to enter an order in conformity with the judgment of the circuit court.

Section 463. KRS 281.602 is amended to read as follows:

The department of motor transportation shall have the authority to file the notice of a lien with the county [court] clerk prescribed in subsection (2) of KRS 134.420, with respect to any license tax, excise tax, motor fuel tax or other motor vehicular tax administered by the department.

Section 464. KRS 281.751 is amended to read as follows:

Trailers or semi-trailers which are operated by carriers or motor carriers under the jurisdiction of this department shall be registered by the owner or operator thereof applying to the county [court] clerk of the county in which he resides or in which such vehicle is principally operated, in accordance with KRS 186.655; Provided, however, That the provisions of this section do not apply to the following:

(1) Trailers or semi-trailers operated in interstate commerce in this state by carriers or motor carriers domiciled in a state other than this state when used in combination with power units licensed in a state other than this state, said power units being lawfully entitled to reciprocal privileges in this state under the circumstances being operated; or

(2) Trailers or semi-trailers operated in interstate commerce in this state by carriers or motor carriers domiciled in a state other than this state when used in combination with power units licensed in a state other than this state, said power units not being lawfully entitled to reciprocal privileges in this state under the circumstances being operated if said power units are at the time properly licensed in this state or are operated under a lawful exemption from the requirements of licensing in this state; or

(3) Trailers or semi-trailers operated in interstate commerce in this state on a lawful interchange basis by carriers or motor carriers domiciled in this state.

Section 465. KRS 304.21-020 is amended to read as follows:

(1) Whenever an insurer has been granted a certificate of authority to transact surety insurance in this state, the commissioner shall on the first day of the next succeeding month send to the county [court] clerk of each county in this state his certificate, over the seal of his office, stating that such insurer has complied with the laws of this state and is authorized to transact a business as surety in this state. The county [court] clerk shall record the certificate and it shall become a permanent part of the records of the county [court] clerk.

(2) The commissioner shall on the first days of March and October of each year forward to each county [court] clerk a list containing the names of all surety insurers, foreign and domestic, which are then authorized to transact business in the state.

(3) The county [court] clerks shall preserve such list on the files of the court, open to public inspection.

Section 466. KRS 304.21-030

If a theretofore authorized surety insurer withdraws from this state or if its certificate of authority is terminated, the commissioner shall give notice thereof forthwith by mailing a certificate of such fact to the county [court] clerk of each county in this state. Upon receipt of the certificate the county [court] clerk shall enter a notation across the face of the record of the certificate of authority of the insurer as referred to in KRS 304.21-020, showing the withdrawal of the insurer or the termination of its certificate of authority, as the case may be, together with the date thereof.

Section 467. KRS 304.21-040 is amended to read as follows:

(1) The commissioner is authorized to issue to any person applying therefor, a certificate showing that any surety insurer that has complied with the laws of this state, is qualified to do a surety business in this state, and stating the general terms of the risks authorized to be so written.

(2) Any such certificate or any certified copy of any uncanceled certificate, shall be received in evidence as a sufficient justification of such surety and its authority to do business in this state; Provided, however, That the certificate of the county [court] clerk to any such certified copy, or any certificate furnished directly by the commissioner to an applicant therefor, must bear a date the same as, or later than the date of the bond, undertaking or obligation upon which justification is being made.

Section 468. KRS 304.24-430 is amended to read as follows:

(1) A solvent domestic stock or mutual insurer, which then is not the subject of a delinquency proceeding under subtitle 33, may voluntarily dissolve under a plan therefor in writing authorized by its board of directors, approved or adopted by stockholders or members as hereinafter provided, and filed with and approved by the commissioner. The plan shall provide for the disposition, by bulk re-insurance or other lawful procedure, of all insurance in force in the insurer, for full discharge of all obligations of the insurer, and designate or provide for trustees to conduct and administer the settlement of the insurer's affairs.

(2) The commissioner shall approve the plan unless found by him to be unlawful or unfair or inequitable or prejudicial to the interests of stockholders, policyholders or creditors.

(3) If a mutual insurer, the plan must have been approved by vote of not less than two-thirds (2/3) of the policyholders voting thereon at a special meeting of such policyholders called and held for the purpose pursuant to such reasonable notice and information as the commissioner may have approved.

(4) If a stock insurer, the plan must have been adopted by vote of not less than two-thirds (2/3) of all outstanding voting securities of the insurer at a special meeting of such security holders called and held for the purpose.

(5) Following approval of the dissolution and plan therefor by members or adoption thereof by stockholders as above provided, and approval by the commissioner, the trustees designated or provided for in the plan shall proceed to execute the plan. When all liabilities of the corporation have been discharged or otherwise adequately provided for, and all assets of the corporation have been liquidated and distributed in accordance with the plan, the trustees shall so certify in quadruplicate under oath in writing. The trustees shall deliver the original and the three (3) copies of such certificate to the commissioner. The commissioner shall make such examination of the affairs of the corporation, and of the liquidation and distribution of its assets and discharge of or provision for its liabilities as he deems advisable. If upon such examination he finds that the facts set forth in the certificate of the trustees are true, he shall inscribe his approval on the certificate, file the original thereof so inscribed in the office of the secretary of state, file copy thereof in the department, and return the remaining two (2) copies to the trustees. The trustees shall file one (1) of such copies for recording in the office of the county [court] clerk of the county in which the corporation's principal place of business is located, and retain the fourth copy for the corporate files.

(6) Upon filing the certificate of the trustees with the secretary of state as provided in subsection (5) of this section, the secretary of state shall issue to the trustees his certificate of dissolution, and the corporate

existence of the corporation shall thereupon forever terminate. The secretary of state shall charge and collect a fee of $25.00 for the filing of the trustee's certificate, and shall deposit the same with the state treasurer for credit to the general fund.

Section 469. KRS 304.33-150 is amended to read as follows:

(1) Appointment of rehabilitator. An order to rehabilitate the business of a domestic insurer, or an alien insurer domiciled in this state, shall appoint the commissioner and his successors in office rehabilitator and shall direct the rehabilitator forthwith to take possession of the assets of the insurer and to administer them under the orders of the court. The filing or recording of the order with any county [court] clerk in the state imparts the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that county [court] clerk.

(2) Anticipatory breach. Entry of an order of rehabilitation shall not constitute an anticipatory breach of any contracts of the insurer.

Section 470. KRS 304.33-200 is amended to read as follows:

(1) Order to liquidate. An order to liquidate the business of a domestic insurer shall appoint the commissioner and his successors in office liquidator and shall direct the liquidator forthwith to take possession of the assets of the insurer and to administer them under the orders of the court. The liquidator shall be vested by operation of law with the title to all of the property, contracts and rights of action and all of the books and records of the insurer ordered liquidated, wherever located, as of the date of the filing of the petition for liquidation. He may recover and reduce the same to possession except that ancillary receivers in reciprocal states shall have, as to assets located in their respective states, the rights and powers which are prescribed in subsection (3) of KRS 304.33-540 for ancillary receivers appointed in this state as to assets located in this state. The filing or recording of the order with any county [court] clerk in this state imparts the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that county [court] clerk.

(2) Fixing of rights. Upon issuance of the order, the rights and liabilities of any such insurer and of its creditors, policyholders, shareholders, members and all other persons interested in its estate are fixed as of the date of filing of the petition for liquidation, except as provided in KRS 304.33-210 and 304.33-380.

(3) Alien insurer. An order to liquidate the business of an alien insurer domiciled in this state shall be in the same terms and have the same legal effect as an order to liquidate a domestic insurer, except that the assets and the business in the United States shall be the only assets and business included under the order.

(4) Declaration of insolvency. At the time of petitioning for an order of liquidation, or at any time thereafter, the commissioner may petition the court to declare the insurer insolvent, and after such notice and hearing as it deems proper, the court may make the declaration.

Section 471. KRS 304.33-240 is amended to read as follows:

The liquidator shall report to the court monthly, or at other intervals specified by the court, on the progress of the liquidation in whatever detail the court orders. Subject to the court's control, he may:

(1) Appoint a special deputy to act for him under this subtitle, and determine his compensation. The special deputy shall have all powers of the liquidator granted by this section. The special deputy shall serve at the pleasure of the liquidator.

(2) Appoint or engage employes and agents, legal counsel, actuaries, accountants, appraisers, consultants, and other personnel he deems necessary to assist in the liquidation.

(3) Fix the compensation of persons under subsection (2) of this section, subject to the control of the court.

(4) Defray all expenses of taking possession of, conserving, conducting, liquidating, disposing of or otherwise dealing with the business and property of the insurer. If the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the liquidator may advance the costs so incurred out of any available appropriation. Any amounts so paid shall be deemed expense of administration and shall be repaid for the credit of the insurance department out of the first available moneys of the insurer.

(5) Hold hearings, subpoena witnesses and compel their attendance, administer oaths, examine any person under oath and compel any person to subscribe to his testimony after it has been correctly reduced to writing, and in connection therewith require the production of any books, papers, record or other documents which he deems relevant to the inquiry.

(6) Collect all debts and moneys due and claims belonging to the insurer, wherever located, and for this purpose institute timely action in other jurisdictions, in order to forestall garnishment and attachment proceedings against such debts; do such other acts as are necessary or expedient to collect, conserve or protect its assets or property, including sell, compound, compromise or assign for purposes of collection, upon such terms and conditions as he deems best, any bad or doubtful debts; and pursue any creditor's remedies available to enforce his claims.

(7) Conduct public and private sales of the property of the insurer in a manner prescribed by the court.

(8) Use assets of the estate to transfer policy obligations to a solvent assuming insurer, if the transfer can be arranged without prejudice to applicable priorities under KRS 304.33-430.

(9) Acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon, or otherwise dispose of or deal with any property of the insurer at its market value or upon such terms and conditions as are fair and reasonable, except that no transaction involving property the market value of which exceeds $10,000 shall be concluded without express permission of the court. He also may execute, acknowledge and deliver any deeds, assignments, releases and other instruments necessary or proper to effectuate any sale of property or other transaction in connection with the liquidation. In cases where real property sold by the liquidator is located other than in the county where the liquidation is pending, the liquidator shall cause to be filed with the county [court] clerk for the county in which the property is located a certified copy of the order appointing him.

(10) Borrow money on the security of the insurer's assets or without security and execute and deliver all documents necessary to that transaction for the purpose of facilitating the liquidation.

(11) Enter into such contracts as are necessary to carry out the order to liquidate, and affirm or disavow any contracts to which the insurer is a party.

(12) Continue to prosecute and institute in the name of the insurer or in his own name any suits and other legal proceedings, in this state or elsewhere, and abandon the prosecution of claims he deems unprofitable to pursue further. If the insurer is dissolved under KRS 304.33-220, he may apply to any court in this state or elsewhere for leave to substitute himself for the insurer as plaintiff.

(13) Prosecute any action which may exist in behalf of the creditors, members, policyholders or shareholders of the insurer against any officer of the insurer, or any other person.

(14) Remove any records and property of the insurer to the offices of the commissioner or to such other place as is convenient for the purposes of efficient and orderly execution of the liquidation.

(15) Deposit in one or more banks in this state such sums as are required for meeting current administration expenses and dividend distributions.

(16) File any necessary documents for record in the office of any county [court] clerk or record office in this state or elsewhere where property of the insurer is located.

(17) Assert all defenses available to the insurer as against third persons, including statutes of limitations, statutes of frauds and the defense of usury. A waiver of any defense by the insurer after a petition for liquidation has been filed shall not bind the liquidator.

(18) Exercise and enforce all the rights, remedies and powers of any creditor, shareholder, policyholder or member, including any power to avoid any transfer or lien that may be given by law and that is not included within KRS 304.33-290 to 304.33-310, inclusive.

(19) Intervene in any proceeding wherever instituted that might lead to the appointment of a receiver or trustee, and act as the receiver or trustee whenever the appointment is offered.

(20) Enter into agreements with any receiver or commissioner of any other state relating to the rehabilitation, liquidation, conservation or dissolution of an insurer doing business in both states.

(21) Exercise all powers now held or hereafter conferred upon receivers by the laws of this state not inconsistent with this subtitle.

(22) The enumeration in this section of the powers and authority of the liquidator is not a limitation upon him, nor does it exclude his right to do such other acts not herein specifically enumerated or otherwise provided for as are necessary or expedient for the accomplishment of or in aid of the purpose of liquidation.

Section 472. KRS 304.33-300 is amended to read as follows:

(1) Effect of petition: real property. After a petition for rehabilitation or liquidation, a transfer of any of the real property of the insurer made to a person acting in good faith shall be valid against the receiver if made for a present fair equivalent value or, if not made for a present fair equivalent value, then to the extent of the present consideration actually paid therefor, for which amount the transferee shall have a lien on the property so transferred. The recording of a copy of the petition for or order of rehabilitation or liquidation with the county [court] clerk in the county where any real property in question is located is constructive notice of the commencement of a proceeding in rehabilitation or liquidation. The exercise by a court of the United States or any state of jurisdiction to authorize or effect a judicial sale of real property of the insurer within any county in any state shall not be impaired by the pendency of such a proceeding unless the copy is recorded in the county prior to the consummation of the judicial sale.

(2) Effect of petition: personal property. After a petition for rehabilitation or liquidation and before either the receiver takes possession of the property of the insurer or an order of rehabilitation or liquidation is granted:

(a) A transfer of any of the property of the insurer, other than real property, made to a person acting in good faith shall be valid against the receiver if made for a present fair equivalent value or, if not made for a present fair equivalent value, then to the extent of the present consideration actually paid therefor, for which amount the transferee shall have a lien on the property so transferred.

(b) A person indebted to the insurer or holding property of the insurer may, if acting in good faith, pay the indebtedness or deliver the property or any part thereof to the insurer or upon his order, with the safe effect as if the petition were not pending.

(c) A person having actual knowledge of the pending rehabilitation or liquidation shall be deemed not to act in good faith unless he has reasonable cause to believe that the petition is not well founded.

(d) A person asserting the validity of a transfer under this section shall have the burden of proof. Except as elsewhere provided in this section, no transfer by or in behalf of the insurer after the date of the petition for liquidation by any person other than the liquidator shall be valid against the liquidator.

(3) Negotiability. Nothing in this subtitle shall impair the negotiability of currency or negotiable instruments.

Section 473. KRS 304.33-510 is amended to read as follows:

(1) Grounds for petition. If a domiciliary liquidator has not been appointed, the commissioner may apply to the Franklin County Circuit Court by petition for an order directing him to conserve the property of an alien insurer not domiciled in this state or a foreign insurer on any one or more of the following grounds:

(a) Any of the grounds in KRS 304.33-140;

(b) Any of the grounds in KRS 304.33-190;

(c) That any of its property has been sequestered by official action in its domiciliary state, or in any other state;

(d) That enough of its property has been sequestered in a foreign country to give reasonable cause to fear that the insurer is or may become insolvent;

(e) That

1. Its certificate of authority to do business in this state has been revoked or that none was ever issued, and

2. There are residents of this state with outstanding claims or outstanding policies.

(2) Terms of order. The court may issue the order in whatever terms it deems appropriate. The filing or recording of the order with any county [court] clerk in this state impart the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that county [court] clerk.

(3) Transformation to liquidation or ancillary receivership. The conservator may at any time petition for and the court may grant an order under KRS 304.33-520 to liquidate the assets of a foreign or alien insurer under conservation or, if appropriate, for an order under KRS 304.33-540 to be appointed ancillary receiver.

(4) Order to return to insurer. The conservator may at any time petition the court for an order terminating conservation of an insurer. If the court finds that the conservation is no longer necessary, it shall order that the insurer be restored to possession of its property and the control of its business. The court may also make such finding and issue such order at any time upon its own motion.

Section 474. KRS 304.33-520 is amended to read as follows:

(1) Ground for petition. If no domiciliary receiver has been appointed, the commissioner may apply to the Franklin [County] Circuit Court by petition for an order directing him to liquidate the assets found in this state of a foreign insurer or an alien insurer not domiciled in this state, on any of the following grounds:

(a) Any of the grounds in KRS 304.33-140;

(b) Any of the grounds in KRS 304.33-190;

(c) Any of the grounds in KRS 304.33-510.

(2) Terms of order. If it appears to the court that the best interests of creditors, policyholders and the public so require, the court may issue an order to liquidate in whatever terms it deems appropriate. The filing or recording of the order with any county [court] clerk in this state imparts the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that county [court] clerk.

(3) Conversion to ancillary proceeding. If a domiciliary liquidator is appointed in a reciprocal state while a liquidation is proceeding under this section, the liquidator under this section shall thereafter act as ancillary receiver under KRS 304.33-540. If a domiciliary liquidator is appointed in a nonreciprocal state while a liquidation is proceeding under this section, the liquidator under this section may petition the court for permission to act as ancillary receiver under KRS 304.33-540.

(4) Federal receivership. On the same grounds as are specified in subsection (1) of this section, the commissioner may petition any appropriate federal district court to be appointed receiver to liquidate that portion of the insurer's assets and business over which the court will exercise jurisdiction; or any lesser part thereof that the commissioner deems desirable for the protection of the policyholders and creditors in this state. The commissioner may accept appointment as federal receiver if another person files a petition.

Section 475. KRS 304.33-540 is amended to read as follows:

(1) Appointment of ancillary receiver in this state. If a domiciliary liquidator has been appointed for an insurer not domiciled in this state, the commissioner shall file a petition with the Franklin [County] Circuit

Court requesting appointment as ancillary receiver in this state:

(a) If he finds that there are sufficient assets of the insurer located in this state to justify the appointment of an ancillary receiver;

(b) If ten (10) or more persons resident in this state having claims against the insurer file a petition with the commissioner requesting appointment of an ancillary receiver; or

(c) If the protection of creditors or policyholders in this state so requires.

(2) Terms of order. The court may issue an order appointing an ancillary receiver in whatever terms *it* [its] deems appropriate. The filing or recording of the order with any county [court] clerk in this state imparts the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that county [court] clerk.

(3) Property rights and title: ancillary receivers in this state. When a domiciliary liquidator has been appointed in a reciprocal state the ancillary receiver appointed in this state under subsection (1) of this section shall have the sole right to recover all the assets of the insurer in this state not already recovered by the domiciliary liquidator, except that the domiciliary liquidator shall be entitled to and have the sole right to recover balances due from agents and the books, accounts and other records of the insurer. The ancillary receiver shall have the right to recover balances due from agents and books, accounts and other records of the insurer, if such action is necessary to protect the assets because of inaction by the domiciliary liquidator. The ancillary receiver shall, as soon as practicable, liquidate from their respective securities those special deposit claims and secured claims which are proved and allowed in the ancillary proceedings in this state, and shall pay the necessary expenses of the proceedings. He shall promptly transfer all remaining assets to the domiciliary liquidator. Subject to this section, the ancillary receiver and his deputies shall have the same powers and be subject to the same duties with respect to the administration of assets as a liquidator of an insurer domiciled in this state.

(4) Property rights and title: foreign ancillary receivers. When a domiciliary liquidator has been appointed in this state, ancillary receivers appointed in reciprocal states shall have, as to assets and books, accounts and other records located in their respective states, corresponding rights and powers to those prescribed in subsection (3) of this section for ancillary receivers appointed in this state.

Section 476. KRS 311.590 is amended to read as follows:

(1) No person shall make any statement or submit any document, paper or thing to the board, or to its secretary, or to any county [court] clerk, relating in any manner to issuance, registration, suspension or revocation of any license or permit, knowing same to be false, forged or fraudulent.

(2) No person shall engage in fraud, deceit, collusion or conspiracy in connection with any examination conducted by the board.

(3) No person shall make or issue any false or counterfeit certificate that purports to have been issued by the board, or by its secretary, or forge the signature of any person thereon, or alter any such certificate that has been issued by the board or by its secretary.

Section 477. KRS 311.595 is amended to read as follows:

(1) Where such power has not been transferred by statute to some other board, commission or agency of this state, the board may deny an application for a license; place a licensee on probation for a period not to exceed five years; suspend a license for a period not to exceed five years; limit or restrict a license for an indefinite period; or revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

(a) Knowingly made or presented, or caused to be made or presented, any false, fraudulent or forged statement, writing, certificate, diploma or other thing, in connection with an application for a license or permit.

(b) Practiced, or aided or abetted in the practice of fraud, forgery, deception, collusion or conspiracy in connection with an examination for a license.

(c) Committed, procured or aided in the procurement of an unlawful abortion.

(d) Been convicted of a felony involving moral turpitude. The conviction of any offense in another state, territory or country, which if committed in this state would be deemed a felony shall be held to be a felony under this section without regard to its designation in such other state, territory or country.

(e) Become addicted to a drug habit.

(f) Become a chronic or persistent alcoholic.

(g) Developed such physical or mental disability, or other condition, that continued practice is dangerous to patients or to the public. In enforcing this paragraph the board shall, upon probable cause, have authority to compel a physician to submit to a mental or physical examination by physicians designated by it. Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him (unless the failure was due to circumstances beyond his control) consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A physician whose license has been suspended, limited, restricted or revoked under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.

(h) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof.

(i) Knowingly made, or caused to be made, or aided or abetted in the making of, a false statement in any document executed in connection with the practice of his profession.

(j) Employed, as a practitioner of medicine or osteopathy in the practice of his profession in this state, any person not duly licensed; or otherwise aided, assisted or abetted the unlawful practice of medicine or osteopathy or any other healing art.

(k) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate any provision or term of any medical practice act, including but not limited to the code of conduct promulgated by the board under KRS 311.601 or any other valid regulation of the board.

(l) Violated any order of suspension, or the terms or conditions of any order of probation, issued by the board.

(m) Engaged in or attempted to engage in the practice of medicine or osteopathy under a false or assumed name.

(n) Obtained a fee or other thing of value on the fraudulent representation that a manifestly incurable condition could be cured.

(o) Willfully violated a confidential communication.

(p) Had his license to practice medicine or osteopathy in any other state, territory or foreign nation revoked, suspended, restricted or limited or has been subjected to other disciplinary action by the licensing authority thereof.

(q) Failed or refused, without legal justification, to practice medicine in a rural area of this state in violation of a valid medical scholarship loan contract with the Trustees of the rural Kentucky medical scholarship fund.

(r) Given or received, directly or indirectly, from any person, firm, or corporation, any fee, commission, rebate, or other form of compensation for sending, referring or otherwise inducing a person to communicate with a person licensed under KRS 311.530 to 311.620 in his professional capacity or for any professional services not actually and personally rendered; provided, however, that nothing contained in this subsection shall prohibit persons holding valid and current licenses under KRS 311.530 to 311.620 from practicing medicine in partnership or association or in a professional service corporation authorized by KRS Chapter 274, as now or hereafter amended, or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association. Nothing contained in this subsection shall abrogate the right of two or more persons holding valid and current licenses under KRS 311.530 to 311.620 to receive adequate compensation for concurrently rendering professional care to a single patient and divide a fee, provided the patient has full knowledge of this division and provided the division is made in proportion to the services performed and responsibility assumed by each.

(2) In every proceeding for probation, suspension, limitation, restriction or revocation of a license, the secretary shall furnish the licensee with written notice setting out the substance of each offense charged, with sufficient detail to reasonably apprise such a person of the nature, time and place thereof. Proceedings and forms shall be in accordance with rules and regulations of the board, and hearings may be conducted by hearing officers of the board as provided in subsection (2)(b) of KRS 311.565, but no hearing shall be conducted until at least thirty days' written notice thereof has been given to the holder of the license, who shall have the right to be present, in person or by counsel, and to present evidence and to be heard in opposition to the charges which may be instituted by any individual, or organization, or by the board acting upon its own initiative or by the secretary on behalf of the board. Preliminary to the institution of any such proceeding, the secretary may refer the charge or charges to the state organization which represents the profession to which the holder of the license belongs, for investigation and recommendations as to adjustment, settlement or disciplinary action, and such professional organization may assist in the prosecution or defense of any such proceedings before the board, which shall not be bound to follow its recommendations.

(3) Except as otherwise provided in this subsection, every order of the board suspending, limiting, restricting or revoking a license shall become effective thirty days after notice is given to the licensee, unless said licensee, within thirty days from the giving of such notice, appeals therefrom in the manner provided by subsection (4) of this section. Provided, however, that the board may, when in its opinion the continued practice by the licensee during the time allowed for appeal would be dangerous to the health, welfare and safety of the licensee's patients or the general public, provide in its order of suspension, limitation, restriction or revocation that said order shall become effective forthwith and the licensee shall not, after notice of same, engage or continue to engage in any prohibited practice under the license unless and until the order is reversed or modified by a final and unappealable order or judgment of a court made pursuant to the provisions of subsection (4) of this section.

(4) Any licensee who is aggrieved by an order of the board placing the licensee on probation, or suspending, limiting, restricting or revoking his license may procure a declaration of rights under the Declaratory Judgment Act by filing, within thirty days after notice of said order, a complaint against the board in the circuit court of the county in which the board's offices are located, together with a bond with good and sufficent sureties thereon to cover all costs, which complaint shall request judicial review of the order and the proceedings held by the board, or its hearing officer, and set out with particularity the grounds relied upon for reversal or modification of the order. Summons and a copy of the complaint may be served upon the secretary for and on behalf of the board, and the secretary shall, within thirty days after such service and the filing of said bond, file with the court a transcript of the record of hearing together with a certified copy of the order complained of. The board may file an answer, or such other pleadings as it considers appropriate, and the court shall, after considering the transcript of the record and the board's order and any arguments of counsel, enter judgment. No new or additional evidence shall be introduced in the circuit court. In the event the action of the board is not sustained the court shall, upon request of the board, remand the case to the board for further proceedings. Any party aggrieved by the final judgment, order or decree rendered in the case may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act.

(5) Any notice, that is required to be given to a licensee by the board, or by its secretary or hearing officer, which is given by forwarding same by registered United States mail, postage prepaid, to the licensee at his last known address as it appears in the files of the board shall be sufficient.

(6) All members of the board, and its secretary and hearing officer, have authority to administer oaths, and to issue, in the name of the board, complaints, notices, summonses, subpoenas, and other process, in connection with any charge, proceeding or hearing relating to probation, suspension or revocation.

(7) The board may compel the attendance of witnesses at hearings in connection with disciplinary proceedings, and circuit and *district* [county] courts are, upon petition of the board or its hearing officer, authorized and empowered to punish as contempt all failures to obey subpoenas and other process provided in subsection (6) of this section and all contemptuous or contumacious conduct directed to the board or its hearing officer in the course of disciplinary proceedings.

Section 478. KRS 316.080 is amended to read as follows:

(1) An applicant who receives a license shall have it registered in the office of the county [court] clerk of the county of his residence and shall pay the clerk a fee of one dollar ($1.00) for registration.

(2) A licensee shall display his license certificate in a public place in his place of business. If for any cause this certificate should be destroyed the applicant shall make a sworn statement of such destruction and go before the state board and ask for a duplicate license. All licensed embalmers must have a certificate to show they are licensed and that their license is in full force and effect.

Section 479. KRS 321.210 is amended to read as follows:

(1) All licenses to practice veterinary medicine in this Commonwealth which have heretofore been issued under the laws of this Commonwealth and which have not been revoked and which are in effect on March 29, 1948, shall continue to be valid under the terms of this chapter and may be renewed from year to year, as hereinafter provided, but shall be subject to revocation as in this chapter provided. The holder of any such existing valid license shall not be required to take any other or further examination unless said license be revoked or suspended as provided in this chapter, but each said license shall be renewed annually on or before June 30 in each year. Every licensed veterinarian shall have his license renewed each year on or before June 30, the renewal to be as of July 1 of each year.

(2) Any person who had been a practitioner of veterinary medicine, surgery or dentistry in this Commonwealth for a period of one (1) year next prior to March 24, 1916, upon application to the board and the payment to the board of a fee of twenty-five dollars ($25.00), shall be entitled to a license, and said board shall issue to such applicant a license on the standard form used and approved by the board, signed by its chairman and secretary-treasurer and attested by its seal, which license he shall have recorded in the office of the county [court] clerk of the county in which he resides, as provided in KRS 321.290. No license shall be issued under the provisions of this subsection after the 30th day of June, 1948, except as to applications filed with the board prior to said date.

Section 480. KRS 321.290 is amended to read as follows:

Every person receiving a certificate of license from the board shall forthwith have it recorded in the office of the county clerk of the county in which he resides, and the date of such recording shall be indorsed thereon; and said certificate of license when so recorded shall not be collaterally questioned in any legal proceedings. Until his certificate of license is recorded the holder shall not exercise any of the rights or privileges therein conferred. The clerk shall be paid fifty cents (50¢) for recording each certificate and making the report thereof provided for in KRS 321.300. Any registered veterinarian moving his residence from one (1) county in this state to another in order to practice veterinary medicine shall in like manner record the certificate of license in the county to which he removes and the holder of the certificate shall pay to the county [court] clerk the usual fee for so doing. Veterinarians who have registered in the county in which they reside may go from such county to another or other counties on professional business without being required to register in such other county or counties.

Section 481. KRS 321.300 is amended to read as follows:
The county [court] clerk of each county shall keep in a book provided for that purpose a complete list of the certificates of licenses recorded by him, together with the date of each and the date of recording. If the certificate of license was issued after examination and not under KRS 321.210 and 321.220, the said county clerk shall enter the name of the veterinary college which conferred the diploma upon the licensee upon which his admission to the examination was based and the date when conferred. In any case the clerk hereafter, beginning with the last Monday in August, 1948, and annually thereafter, shall report to the secretary-treasurer of the board a list of all veterinarians whose certificates of license have been recorded in his office.

Section 482. KRS 322.400 is amended to read as follows:
It shall be unlawful for the *county* clerk [of the county court] of any county, or any other public authority with whom the same may be required by law to be filed, to accept for filing, file or record any map, plat, survey or other document related to the practice of land surveying, unless there is affixed thereto the personal seal and signature of a licensed land surveyor by whom, or under whose personal supervision and direction, such map, plat, survey or other document was prepared.

Section 483. KRS 322.440 is amended to read as follows:
Every licensed land surveyor shall procure a personal seal, of a form approved by the board, which shall be affixed together with his signature upon all maps, plats, surveys, or other documents relating to the practice of land surveying, before the delivery thereof to any client, or before offering to file for record any such map, plat, survey, or other document, in the office of the county [court] clerk of any county or any other public authority wherein the same may be required by law to be filed.

Section 484. KRS 326.110 is amended to read as follows:
A licensee, whose license has been suspended or revoked by the board, may appeal from the suspension or revocation order within thirty (30) days of such order to the circuit court in the county in which the licensee is practicing. [The procedure shall be the same as in a civil appeal from a county court to a circuit court.] The trial in the circuit court shall be de novo, and an appeal may be taken by either side to the Court of Appeals as in a civil action. The judgment or order of the board, suspending or revoking the license, shall be stayed, pending a final adjudication by the courts.

Section 485. KRS 341.310 is amended to read as follows:
(1) A lien on a parity with state, county, and municipal ad valorem tax liens, and superior to the lien of any mortgage or other encumbrance heretofore or hereafter created is hereby created in favor of the department upon all property of any subject employer from whom contributions, interest or penalties are or may hereafter become due. This lien shall be for a sum equal to the amount at any time due from each subject employer to the department on account of contributions, interest and penalties thereon. The lien shall commence from such time as the contributions, interest or penalties become due.
(2) The secretary may file notice of this lien with the county [court] clerk of any county where the subject employer has property, giving the name of the subject employer, his address, and the amount of the lien. The clerk shall file same in the same manner as lis pendens are filed. The files shall be designated "Miscellaneous State Tax Liens." The notice, when so filed, shall be conclusive notice to all persons of the lien on the property having legal situs in that county, except that nothing in this chapter shall be construed to alter or change in any way the law relative to the rights and duties of a holder in due course as provided in KRS 355 Art. 3, or affect the rights of any person taking the property for a lien thereon for value without actual or constructive notice. The clerk shall be entitled to a fee of $1.25 for filing the lien, and said fee shall become a part of the lien as an added cost of the delinquent subject employer to be paid by him as a part of the amount necessary to release the lien, and in no event shall the Commonwealth, or the department be required to pay same.
(3) In addition and as an alternative to any other remedy, the secretary may enforce the lien by petition in the name of this state to the *Franklin* Circuit Court [of Franklin County], if the ministerial acts necessary to enforce the lien by the sale of the liened property or any part of it are performed by the appropriate officers of the circuit court of the county in which the property is situated under the direction of and reporting to the Franklin Circuit Court. The manner of enforcement shall be the same as that provided for the enforcement of other tax liens.

(4)(a) The secretary may issue a certificate of release of lien upon the furnishing of a corporate surety bond satisfactory to the secretary by such employing unit in the amount of one hundred and twenty-five per cent (125%) of the sum of such contributions, interest and penalty, for which lien is claimed, conditioned upon the prompt payment of such contribution, together with interest and penalty thereon, by such employing unit to the department in accordance with the provisions set forth in such bond.

(b) The secretary may issue a certificate of partial release of any part of the property subject to the lien if he finds that the fair market value of that part of such property remaining subject to the lien is at least equal to the amount of all other liens upon such property plus double the amount of the liability for contributions, interest and penalties thereon remaining unsatisfied.

(c) The secretary may issue a certificate of partial release of any part of the property or individual piece of property subject to the lien if he finds that the interest of the Commonwealth in the property to be so released has no value.

Section 486. KRS 342.770 is amended to read as follows:

(1) Upon the filing of a claim the director shall ascertain whether the employer, or any other person against whom a claim is filed and who is not exempt by KRS 342.630 or KRS 342.650, has secured payment of compensation by either securing insurance coverage or qualifying as a self insurer pursuant to KRS 342.340. Upon determination that any employer under this chapter has failed to comply with the provisions of KRS 342.340, the director shall record, as provided by subsection (2), a certificate prepared and furnished him by a representative of the uninsured employers' fund showing the date on which such claim was filed, the date of the injury alleged, the name and last known address of the employer against whom it was filed, and the fact that the employer has not secured the payment of compensation as required. Upon recordation, such certificate constitutes a valid lien against the assets of the employer in favor of the uninsured employers' fund for the whole amount which may be due as compensation. Such lien shall be superior to the lien of any mortgage or other encumbrance thereafter created and shall continue for 10 years from the time of such recording unless sooner released or otherwise discharged. A copy of such certificate shall be served upon the employer by the director.

(2) The certificate constituting a lien in favor of the uninsured employers' fund shall be filed in the following offices:

(a) The office of the county [court] clerk of the county in which the defendant employer resides.

(b) The office of the county [court] clerk of the county in which the defendant employer has its principal place of business.

(c) The office of the county [court] clerk in the counties where such employers' property is located.

Section 487. KRS 353.640 is amended to read as follows:

(1) A pooling order shall be made only after notice to all persons owning an oil or gas interest in any tract proposed to be pooled with another tract, and after a hearing.

(2) A pooling order shall authorize the drilling, deepening or reopening, and the operation of a well for the production of oil or gas on the tracts or portions thereof pooled; shall designate the operator to drill and operate the well; shall prescribe the time and manner in which all owners in the pooled tracts or portions thereof may elect to participate therein; shall provide that all reasonable costs and expenses of drilling, deepening or reopening, and the completing, operating, plugging and abandoning the well shall be borne, and all production from the well shall be shared by all owners of operating interests in proportion to the net mineral acres in the pooled tracts owned or under lease to each owner; and shall make provision for the payment of the reasonable actual cost thereof, including a reasonable charge for supervision, by all those who elect to participate therein.

(3) Upon request a pooling order shall provide one or more just and equitable alternatives whereby, an owner of an operating interest, who does not elect to participate in the risk and cost of the drilling, deepening or reopening of a well:

(a) May elect to surrender his interest or a portion thereof to the participating owners on a reasonable basis and for a reasonable consideration which, if not agreed upon, shall be determined by the director; or

(b) May elect to participate in the drilling, deepening or reopening of the well on a limited or carried basis upon terms and condition determined by the director to be just and reasonable.

(4) A certified copy of any pooling order entered under KRS 353.500 to 353.720 shall be entitled to be recorded in the office of the county [court] clerk of the county or counties in which all or any portion of the pooled tract is located, and the record of the order, from the time of lodging the order for record, shall be notice of the order to all persons.

Section 488. KRS 355.6-104 is amended to read as follows:

(1) Except as provided with respect to auction sales (KRS 355.6-108), a bulk transfer subject to this article is ineffective against any creditor of the transferor unless:

(a) The transferee requires the transferor to furnish a list of his existing creditors prepared as stated in this section; and

(b) The parties prepare a schedule of the property transferred sufficient to identify it; and

(c) The transferee preserves the list and schedule for six months next following the transfer and permits inspection of either or both and copying therefrom at all reasonable hours by any creditor of the transferor, or files the list and schedule in the office of the county [court] clerk.

(2) The list of creditors must be signed and sworn to or affirmed by the transferor or his agent. It must contain the names and business addresses of all creditors of the transferor, with the amounts when known, and also the names of all persons who are known to the transferor to assert claims against him even though such claims are disputed. If the transferor is the obligor of an outstanding issue of bonds, debentures or the like as to which there is an indenture trustee, the list of creditors need include only the name and address of the indenture trustee and the aggregate outstanding principal amount of the issue.

(3) Responsibility for the completeness and accuracy of the list of creditors rests on the transferor, and the transfer is not rendered ineffective by errors or omissions therein unless the transferee is shown to have had knowledge.

Section 489. KRS 355.9-401 is amended to read as follows:

(1) The proper place to file in order to perfect a security interest is as follows:

(a) when the collateral is equipment used in farming operations, or farm products, or accounts, contract rights or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the county [court] clerk in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the county [court] clerk in the county where the goods are kept, and in addition when the collateral is crops in the office of the county [court] clerk in the county where the land on which the crops are growing or to be grown is located;

(b) when the collateral is goods which at the time the security interest attaches are or are to become fixtures, then in the office where a mortgage on the real estate concerned would be filed or recorded;

(c) in all other cases, if the debtor is a resident of this state in the office of the county [court] clerk in the county of the debtor's residence, if the debtor is not a resident of this state but has a principal place of business in this state, in the office of the county [court] clerk in the county where the nonresident has a principal place of business, if the debtor is a nonresident of this state and has no principal place of business in this state then in the office of the secretary of state of the Commonwealth of Kentucky. The secretary of state may collect a fee of $3.00 for each filing in his office under this Section.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) If collateral is brought into this state from another jurisdiction, the rules stated in KRS 355.9-103 determine whether filing is necessary in this state.

Section 490. KRS 362.420 is amended to read as follows:

(1) Two or more persons desiring to form a limited partnership shall

(a) Sign and swear to a certificate, which shall state

1. The name of the partnership,

2. The character of the business,

3. The location of the principal place of business,

4. The name and place of residence of each member; general and limited partners being respectively designated,

5. The term for which the partnership is to exist,

6. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,

7. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

8. The time, if agreed upon, when the contribution of each limited partner is to be returned,

9. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

10. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

11. The right, if given, of the partners to admit additional limited partners,

12. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,

13. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and

14. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) File for record the certificate in the office of the *county* clerk [of the county court] in the county in which the principal place of business of the partnership is located.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of subsection (1) of this section.

Section 491. KRS 362.650 is amended to read as follows:

(1) The writing to amend a certificate shall

(a) Conform to the requirements of paragraph (a) of subsection (1) of KRS 362.420 as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in subsections (1) and (2) of this section as a person who must execute the writing refuses to do so, may petition the circuit court of the county in which the principal place of business of the partnership is located to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the *county* clerk [of the county court] in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or cancelled when there is filed for record in the office of the *county* clerk [of the county court] where the certificate is recorded

(a) A writing in accordance with the provisions of subsection (1) or (2) of this section, or

(b) A certified copy of the order of court in accordance with the provisions of subsection (4) of this section.

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by KRS 362.410 to 362.700.

Section 492. KRS 365.015 is amended to read as follows:

(1) The real name of a person shall include his or her surname at birth, or his or her name as changed by a court of competent jurisdiction, or the surname of a married woman; the real name of a domestice general partnership is that name which includes the real name of at least one of the partners; the real name of a domestic limited partnership is that name which includes the real name of at least one of the general partners; the real name of a domestic business trust is the name set forth in the declaration of trust; and the real name of a domestic corporation is the name set forth in its articles of incorporation. The real name of a foreign general or limited partnership and of a foreign business trust is the name recognized by the laws of the foreign state under which it is formed as being the real name; and the real name of a foreign corporation is the name set forth in its articles of incorporation or the fictitious name adopted for use in this state under KRS 271A.530.

(2) No person, general or limited partnership, business trust or corporation shall conduct or transact business in this state under an assumed name or any style other than his or its real name, as defined in subsection (1) of this section, unless such person, partnership, business trust or corporation has filed a certificate of assumed name.

The certificate shall state the assumed name under which the business will be conducted or transacted, the real name of person, partnership, business trust or corporation and his or its address, including street and number, if any.

A separate certificate shall be filed for each assumed name.

No certificate to be filed with the secretary of state shall set forth an assumed name which is identical or deceptively similar to any other assumed name or any corporate name previously filed with the secretary of state unless the certificate is accompanied by the written consent of the prior holder of the assumed or corporate name and such word or words are added to the proposed assumed name so as to distinguish it from the previously filed assumed or corporate name.

The certificate shall be executed and acknowledged for a person, by the person; for a general partnership, by all the partners; for a limited partnership, by a general partner; for a business trust, by the trustees; for a corporation, by its president or vice president and secretary or assistant secretary.

(3) The certificate of assumed name for a person shall be filed with the county [court] clerk of each county wherein business will be conducted or transacted under an assumed name. The certificate of assumed name for a general or limited partnership, business trust or corporation shall be filed with the secretary of state and with the county [court] clerk of each county wherein business will be conducted or transacted under an assumed name.

(4) Upon discontinuing the use of an assumed name, the certificate shall be withdrawn by filing a certificate in the office wherein the original certificate of assumed name was filed. The certificate of withdrawal shall state the assumed name, the real name and address of the party transacting business and the date upon which the original certificate was filed. The certificate of withdrawal shall be signed and acknowledged as required in subsection (2) of this section.

(5) The county [court] clerk shall receive a fee of one dollar ($1.00) for filing each certificate, and the secretary of state shall receive a fee of ten dollars ($10.00) for filing each certificate.

Section 493. KRS 365.415 is amended to read as follows:

No person shall advertise, represent or hold out to the public that any sale of goods is an insurance, bankruptcy, mortgage foreclosure, insolvent's, assignee's, executor's, administrator's, receiver's, trustee's, removal sale, going out of business sale or fire sale unless he first obtains a license to conduct the sale from the county clerk of the county in which he proposes to conduct the sale.

Section 494. KRS 365.420 is amended to read as follows:

Any person proposing to conduct any sale governed by KRS 365.410 to 365.480 and 365.992 shall file an application in writing and under oath with said county [court] clerk setting out the following facts and information regarding the proposed sale:

(1) The name and address of the applicant for the license, who must be the owner of the goods to be sold. If the applicant is a partnership, corporation, firm or association, the name and the position of the duly authorized individual filing the application.

(2) The name and style in which the sale is to be conducted, and the address of the premises where the sale is to be conducted.

(3) The dates and period of time during which the sale is to be conducted.

(4) The name and address of the person who will be in charge and responsible for the conduct of the sale.

(5) A full explanation with regard to the condition or necessity which is the occasion for the sale, including a statement of the descriptive name of the sale and the reasons why the name is truthfully descriptive of the sale. If the application is for a license to conduct a removal sale, it shall also contain a statement setting forth the location of the premises to which the business is to be moved. If the application is for a license to conduct a fire sale, it shall contain a statement as to the time, location and cause of the damage.

(6) A full, detailed and complete inventory of the goods that are to be sold, which inventory shall:

(a) Itemize the goods to be sold and contain sufficient information concerning each item or class of items, to clearly identify them.

(b) List separately any goods which were purchased during a sixty-day period immediately prior to the date of making application for the license.

(c) Show the cost price of each item or class of items of goods and the total value of the inventory at cost together with the name and address of the seller of the items to the applicant, the date of the purchase and the date of the delivery of each item to the applicant.

(7) Provide a good and sufficient bond, payable to the Commonwealth of Kentucky in the penal sum of one thousand dollars, with sureties approved by the court judge, conditioned on compliance with KRS 365.410 to 365.480 and 365.992 and, attached to the bond, a verified statement by the owner or his duly authorized agent:

(a) That the sale is for the purpose designated in the advertising of the sale;

(b) The inventory contains no goods on consignment or not purchased in the usual course of business for resale, on bona fide orders without cancellation or return privileges;

(c) No goods will be added to the inventory after the application is made or during the sale;

(d) The applicant or any person with whom applicant is or has been associated in the business has not conducted a going out of business sale at the same location within one year prior to the date of filing of the application;

(e) No means have been established by the applicant for continuation of the business at the same location upon termination of the sale in the case of a going out of business sale; and the business described in such going out of business sale is to be discontinued upon termination of the sale and is not to be continued by the same person, directly or indirectly, by partnership, corporation or otherwise, under the same name or under a different name at the same location for which the inventory for the sale was filed.

Section 495. KRS 365.425 is amended to read as follows:

No application for a going out of business sale shall be accepted by the county [court] clerk if the sale involves foods or drugs damaged by fire or other casualty unless the approval of the state department of health has first been obtained.

Section 496. KRS 365.435 is amended to read as follows:

Every clerk to whom application is made, shall indorse upon the application the date of its filing, shall preserve the same as a record of his office, and shall make an abstract of the facts set forth in the application in a book kept for that purpose, properly indexed, containing the name of the person asking such license, the nature of the proposed sale, the place where the sale is to be conducted, its duration, the inventory of the goods to be sold and a general statement as to where the same came from and shall make in the book a notation as to the issuance or refusal of the license applied for together with the date of the same. The clerk shall indorse on the application the date the license is granted or refused, and the application and abstract shall be prima facie evidence of all statements therein contained. If the *county* clerk [of the county court] refuses to issue the license, the applicant may apply to the county *judge/executive* [court] for a hearing. The clerk shall notify the county attorney who shall appear in opposition to the issuance of the license.

Section 497. KRS 365.440 is amended to read as follows:

Every bond given in connection with any sale under KRS 365.410 to 365.480 and 365.992 shall be kept by the county [court] clerk of the county in which the sale is conducted until the expiration of three years from the final date of the sale as filed, and shall then be surrendered to the principal if he has so requested, otherwise to one of the sureties. If at the expiration of three years the clerk has reason to believe a pending court action relates to the bond, he shall retain the bond until final disposition of the action.

Section 498. KRS 367.513 is amended to read as follows:

Beginning July 1, 1974, every solicitor shall register annually with the county [court] clerk of the county in which such solicitations are to occur and shall furnish to the county [court] clerk the following information:

(1) Whether solicitations shall be made in person or by telephone, and if made in person shall give an adequate description, including state of issue and license number, of any motor vehicle to be used in soliciting sales of printed material, or the telephone number from which telephone solicitations shall be made;

(2) His name and social security number;

(3) The mailing address and telephone number of his permanent residence; and

(4) The name, address and telephone number of the company or organization he represents, if any.

Section 499. KRS 367.515 is amended to read as follows:

(1) Upon registration, every solicitor shall pay the county [court] clerk a five dollar ($5) service fee and the county [court] clerk shall issue the solicitor a numbered receipt to be effective for a period of one year from the date of registration.

(2) Prior to actual solicitation, the solicitor shall display to the potential purchaser the registration receipt issued by the county [court] clerk if soliciting in person or cite to the potential purchaser the number of the registration receipt if soliciting by telephone.

(3) The provisions of KRS 367.513 to 367.530 shall not apply to minors soliciting orders for articles mentioned in KRS 367.510 when such sales are made for the sole purpose of obtaining funds for a school band, club or other organization and such sales are approved in writing by the superintendent of the school system at which the minors are students. The written approval of the superintendent shall identify the product or products being sold, the solicitors to be involved and the duration of sales and shall be filed with the county [Court] clerk.

Section 500. KRS 367.530 is amended to read as follows:

All county [court] clerks in the Commonwealth shall maintain a book or other similar record on a permanent basis containing the registrations and other information required to be filed under KRS 367.513. Said book shall be a public record.

Section 501. KRS 376.010 is amended to read as follows:

(1) Any person who performs labor or furnishes materials for the erection, altering or repairing of a house or other structure or for any fixture or machinery therein, for the excavation of cellars, cisterns, vaults, wells or for the improvement in any manner of real property including the furnishing of agricultural lime,

fertilizer, concrete pipe or drainage tile, crushed rock, gravel for roads or driveways, and materials used in the construction or maintenance of fences, by contract with, or by the written consent of, the owner, contractor, subcontractor, architect or authorized agent, shall have a lien thereon, and upon the land upon which the improvements were made or on any interest the owner has therein, to secure the amount thereof with interest as provided in KRS 360.040 and costs. The lien on the land or improvements shall be superior to any mortgage or encumbrance created subsequent to the beginning of the labor or the furnishing of the materials, and the lien, if asserted as hereinafter provided, shall relate back and take effect from the time of the commencement of the labor or the furnishing of the materials. The lien shall not be for a greater amount in the aggregate than the contract price of the original contractor, and should the aggregate amount of the liens exceed the price agreed upon between the original contractor and the owner there shall be a pro rata distribution of the original contract price among the lienholders.

(2) The lien shall not take precedence over a mortgage or other contract lien or bona fide conveyance for value without notice, duly recorded or lodged for record according to law, unless the person claiming the prior lien shall, before the recording of the mortgage or other contract lien or conveyance, file in the office of the *county* clerk [of the county court] of the county wherein he has furnished or expects to furnish labor or materials, a statement showing that he has furnished or expects to furnish labor or materials, and the amount in full thereof. The lien shall not, as against the holder of a mortgage or other contract lien or conveyance, exceed the amount of the lien claimed or expected to be claimed as set forth in the statement. The statement shall, in other respects, be in the form prescribed by KRS 376.080.

(3) No person who has not contracted directly with the owner or his agent shall acquire a lien under this section unless he notifies in writing the owner of the property to be held liable or his authorized agent, within seventy-five (75) days on claims amounting to less than $1,000 and one hundred twenty (120) days on claims in excess of $1,000 after the last item of material or labor is furnished, of his intention to hold the property liable and the amount for which he will claim a lien. It shall be sufficient to prove that the notice was mailed to the last known address of the owner of the property upon which the lien is claimed, or to his duly authorized agent within the county in which the property to be held liable is located.

(4) No person who has not contracted directly with the owner-occupant or his authorized agent shall acquire a lien under this section on an owner-occupied single or double family dwelling or the appurtenances or additions thereto unless he notifies in writing the owner-occupant of the property to be held liable or his authorized agent not more than ten (10) days after the first item of material or labor is furnished, of the delivery of the material or performance of labor and of his intention to hold the property liable and the amount for which he will claim a lien. It shall be sufficient to prove that the notice was mailed to the last known address of the owner-occupant of the property upon which the lien is claimed, or to his duly authorized agent. This notice is in lieu of the notice provided for in subsection (3). Notwithstanding the foregoing provisions of this subsection, the lien provided for under this section shall not be applicable to the extent that an owner-occupant of a single or double family dwelling has, prior to receipt of the notice provided for in this subsection, paid the contractor, subcontractor, architect or authorized agent for work performed or materials furnished prior to such payment. The contractor or subcontractor cannot be the authorized agent under this subsection.

Section 502. KRS 376.075 is amended to read as follows:

(1) Any licensed engineer and any land surveyor who performs professional services or services as defined in KRS 322.010(4) for engineers and KRS 322.010(6) for land surveyors shall have a lien on the building, structure, land or project on which such services were performed, to secure the amount thereof with interest as provided in KRS 360.040 and costs.

(2) The provisions of KRS 376.010(1) and (2) shall determine when a lien created under this section shall take precedence over a mortgage or other contract lien or bona fide conveyance for value without notice.

(3) No person hereunder who has not contracted directly with the owner or his agent shall acquire a lien under this section.

(4) Any lien provided for under this section shall be dissolved unless the claimant, within six months after he ceases to provide services, files in the office of the *county* clerk [of the county court] of the county in which the property is situated a statement of the amount due the claimant, with all just credits and setoffs known to him, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it, the name of the owner, if known, and whether the services were furnished by contract with the owner or with a contractor or architect. This statement shall be subscribed and sworn to by the person claiming the lien or by someone in his behalf.

(5) Any lien created under this section shall be dissolved unless an action is brought to enforce the lien within twelve months from the day of filing the statement in the clerk's office as required by subsection (4) hereunder. If the lienholder complies with all filing requirements under this section, and does so within the time herein fixed, his lien shall be valid and effective against any creditor of, or bona fide or other purchaser from, the owner of the property.

(6) The provisions of this section shall in no way abridge or conflict with the provisions of KRS 376.210 which provide for liens on public improvements, and any potential lien or valid lien of an engineer or land surveyor on a public improvement shall be governed by KRS 376.210.

Section 503. KRS 376.080 is amended to read as follows:

(1) Any lien provided for in KRS 376.010 shall be dissolved unless the claimant, within six months after he ceases to labor or furnish materials, files in the office of the *county* clerk [of the county court] of the county in which the building or improvement is situated a statement of the amount due him, with all just credits and set-offs known to him, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it, the name of the owner, if known, and whether the materials were furnished or the labor performed by contract with the owner or with a contractor or subcontractor. This statement shall be subscribed and sworn to by the person claiming the lien or by someone in his behalf.

(2) The county clerk shall endorse upon each statement the date of its filing, and shall make an abstract of the statement in a book to be kept by him for that purpose, properly endorsed and indexed, containing the date of filing, the name of the person seeking to enforce the lien, the amount claimed, the name of the person against whose property the lien is filed, and a description of the property charged with the lien. The clerk shall receive one dollar from the person filing the statement as full compensation, which shall be taxed and collected as other costs.

Section 504. KRS 376.100 is amended to read as follows:

The owner or claimant of property against which a lien has been asserted may, at any time before a judgment is rendered enforcing the lien, execute before the *county* clerk [of the county court] in which the lien was filed a bond for double the amount of the lien claimed with good sureties to be approved by the clerk, conditioned upon the obligors satisfying any judgment that may be rendered in favor of the person asserting the lien. The bond shall be preserved by the clerk, and upon its execution the lien upon the property shall be discharged. The person asserting the lien may make the obligors in the bond parties to any action to enforce his claim, and any judgment recovered may be against all or any of the obligors on the bond.

Section 505. KRS 376.440 is amended to read as follows:

(1) Any person engaged in the business of selling, repairing, or furnishing accessories, or supplies for any kind of equipment or machinery, including motors, shall have a lien on the equipment, machine, machinery, or motor, for the reasonable or agreed charges for repairs, work done, accessories, parts, and supplies furnished for the equipment, machine, machinery, or motor until the reasonable or agreed charge therefor has been paid. The lien shall not be lost by the removal of the equipment, machine, machinery or motor from the premises of the person performing labor, repairing, or furnishing accessories, parts or supplies therefor, if the lien shall be asserted within three months by filing in the office of the county clerk a statement showing the amount and cost of materials furnished or labor performed on the equipment, machine, machinery, or motor. This statement shall be filed in the office of the county [court] clerk of the county in which the owner of the equipment, machine, machinery, or motor resides, unless such owner be a nonresident, in which event the lien statement shall be filed in the office of the county [court] clerk of the county in which such equipment, machine, machinery, or motor is at the time being kept or used.

(2) The lien provided for in this section shall attach regardless of whether or not the equipment, machine, machinery, motor, or motors, are ever upon the premises of or in the possession of the person making the repairs, furnishing the parts, or the supplies for such repairs.

Section 506. KRS 376.445 is amended to read as follows:

(1) The lien statement referred to in KRS 376.440 shall be construed to mean a statement in writing in which is stated the amount due the claimant, with all just credits and setoffs known to him, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it and the name of the owner. This statement shall be subscribed and sworn to by the person claiming the lien or by someone in his behalf.

(2) The county [court] clerk shall endorse upon each statement the date of its filing, and shall make an abstract of the statement in a book to be kept by him for that purpose, properly endorsed and indexed, containing the date of filing, the name of the person seeking to enforce the lien, the amount claimed, the name of the person against whose property the lien is filed, and a description of the property charged with the lien. The clerk shall receive one dollar ($1) from the person filing the statement as full compensation, which shall be taxed and collected as other costs.

Section 507. KRS 376.450 is amended to read as follows:

The lien shall not take precedence over a mortgage or bona fide sale and delivery for value without notice, unless the person claiming the prior lien shall, before the recording of the mortgage, or before sale and delivery, file in the office of the *county* clerk [of the county court] a statement showing that he has furnished or expects to furnish labor, or materials, or parts, or supplies, and the amount in full thereof. The lien shall not, as against the holder of a mortgage, or a purchaser for value, exceed the amount of the lien claimed, as set forth in the statement. The statement shall in all other respects be in the form provided in KRS 376.445.

Section 508. KRS 381.135 is amended to read as follows:

(1) A person desiring a division of land held jointly with others, or an allotment of dower or curtesy, may file in the circuit court of the county in which the land or the greater part thereof lies a petition containing a description of the land, a statement of the names of those having an interest in it, and the amount of such interest, with a prayer for the division or allotment; and, thereupon, all persons interested in the property who have not united in the petition shall be summoned to answer not more than twenty (20) days after service of the summons. The written evidences of the title to the land, or copies thereof, if there be any, must be filed with the petition.

(2) The statutory guardian of an infant, or committee of an incompetent person may file or unite in the petition, in the names of, and in conjunction with such infant, or incompetent person; and, if the petition be against an infant, or incompetent person the guardian, or committee may appear and defend for them; if they fail to do so, the court shall appoint a discreet person for that purpose.

(3) Upon such a petition by all interested in the property; or upon the expiration of twenty (20) days after the service of a summons on all who have an interest in the property and have not united in the petition, the court may order the division, or allotment of dower or curtesy, according to the rights of the parties.

(4) The court shall appoint three competent persons to make the partition, or allotment of dower or curtesy, or both, having a due regard to the rights of all parties interested. Before proceeding to act, the commissioners shall take an oath to discharge their duty impartially.

(5) The order of appointment shall fix a time and place for the meeting of the commissioners; who shall meet accordingly; but, if prevented from meeting at the time and place so fixed, they may meet as soon thereafter as convenient, and may adjourn to such other time and place as they may agree upon, until their duty shall be performed.

(6) They shall survey and allot to the parties their respective interests in the land, and make report thereof to the court; which may either confirm, set aside or remand the report to the commissioners for correction.

(7) If the report be confirmed, a commissioner to be appointed for the purpose shall, by deed, convey to each party the land allotted to him.

(8) If the report be confirmed by the circuit court, it and the deed shall be certified by the clerk of that court to the *county* clerk [of the county court], for record.

(9) Two of the commissioners may act, if one refuse or fail to do so.

(10) A party summoned may, by answer, controvert the allegations of the petition or contest the rights claimed therein; and, thereupon, the case shall be tried and decided as an ordinary action, but without the intervention of a jury.

(11) The costs of the action shall be apportioned among the parties in the ratio of their interests, except that the costs arising from a contest of fact or law shall be adjudged against the unsuccessful party.

(12) No verification of the pleadings shall be required.

(13) The commissioners shall be paid a reasonable compensation, to be taxed as costs.

(14) This section does not affect the jurisdiction of courts of equity to make partition or allot dower or curtesy.

Section 509. KRS 381.770 is amended to read as follows:

(1) It shall be unlawful for the owner, occupant or person having control or management of any land within a city to permit a public nuisance, health hazard or source of filth to develop thereon through the accumulation of rubbish or the excessive growth thereon of weeds or grass.

(2) Whenever such a situation is discovered, the director of sanitation or other responsible officer designated by the city legislative body shall give five days' written notice to remedy such situation. The said notice shall be mailed to the last known address of the owner of the said property, as it appears on the current tax assessment roll. Upon the failure of the owner of the said property to comply, the director of sanitation or other responsible officer designated by the city legislative body of such city is authorized to send employes upon the said property to remedy the situation.

(3) The city shall have a lien against the said property for the reasonable value of labor and materials used in remedying such situation. The affidavit of the director of sanitation or other responsible officer designated by the city legislative body shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this statute, and shall be recorded in the office of the county [court] clerk in the county where such city is located. The said lien shall be notice to all persons from the time of its recording and shall bear interest at six percent per annum thereafter until paid.

Section 510. KRS 382.205 is amended to read as follows:

(1) Any county where indexes to the records of deeds, mortgages, wills, marriages, or other public records have been or may hereafter be prepared by the Work Projects Administration or other appropriate agency of the United States Government, or by order of the fiscal court of any county, such indexes or any of them may be adopted as the official general cross indexes of such records in the manner provided by this section in addition to each individual book index. Upon the completion of any such indexing project by an appropriate federal agency or by a person or persons acting under the authority of a fiscal court, or at any time thereafter, any citizen of the county may petition the county *judge/executive* [court] to have said index adopted as the official index. Upon the filing of the petition, the *county judge/executive* [court] may forthwith by appropriate order designate a licensed attorney practicing in the county who with the county attorney and county [court] clerk shall comprise a commission to examine the index proposed to be adopted and ascertain whether the index is a complete and accurate index of the records to which it pertains. The commission shall thereupon make such examination as may be necessary to ascertain to its satisfaction whether such index is complete and accurate. Upon completion of such examination, the commission shall make a written report to the *county judge/executive* [court] of the results thereof and of its recommendations, which report shall lie over for exceptions *for sixty (60) days* [until the second regular term of the county court thereafter held]. Notice of the filing of said report shall be given by the clerk by publication pursuant to KRS Chapter 424. Exceptions may be filed by any interested person, and if filed shall be heard and determined as in other cases. If no exceptions are filed thereto, or upon the exceptions (if any) the *county judge/executive* [court] shall hear such proof as may be thought proper respecting the report filed by the clerk and the exceptions, and shall determine whether the said index is complete and accurate, and if it is determined that the index is complete and accurate, an order shall be entered adopting said index; provided, that if from such report or such proof it appears that corrections or additions should be made to such index in order to render it accurate and complete, the order may direct that such corrections or additions shall be made by the clerk, and in that event it shall be the duty of the clerk to make such corrections or additions forthwith, and upon his report that he has done so an order shall be entered adopting the index as so corrected. If adopted, said index shall thereupon become the official general cross index of the records to which it pertains, and all persons shall be entitled to rely thereon to the same extent as if the index had been prepared by the *county* clerk [of the county court]. Upon the adoption of any such index, it shall be the duty of the clerk to bring same up to date from the point at which same ceased to be made by the agency which prepared it, and to continue and maintain said index thereafter in lieu of the indexing system theretofore used, except he will continue to keep the regular individual book index, and to index all instruments lodged for record in conformity therewith. The indexes theretofore used shall not be destroyed after the adoption of the new indexes, but shall be safely kept by the clerk as other records are kept, subject to inspection by any person interested therein.

(2) Expenses incurred by the county clerk under the provisions of this section shall be paid by the fiscal court of the county.

Section 511. KRS 386.420 is amended to read as follows:

(1) The written declaration of trust may provide for the election of successor trustees in the event of the death, resignation and removal of a trustee and may provide for the amendment of the declaration of trust. The declaration of trust may also contain such other provisions regarding the operating and administration of the business trust as may be necessary or desirable.

(2) The declaration of trust shall be recorded in the office of the secretary of state of the Commonwealth of Kentucky and in the office of the *county* clerk [of the county court] in the county in which its principal place of business is located and a recording charge of $15 shall be paid at each of those offices.

Section 512. KRS 389.045 is amended to read as follows:

(1) The court shall appoint a suitable person, as commissioner, to execute its judgment.

(2) The court shall cause the title of the property to be conveyed by a commissioner to the purchaser, without warranty.

(3) The conveyance must be acknowledged before and approved by the court, and be certified by its clerk to the *county* clerk [of the county court] for record.

(4) In the actions for investment authorized by KRS 389.010 the court shall order the proceeds of sales to be invested, subject to its approval, in real estate in or out of this state, or in bonds of the United States or of this state, or in the stock of a bank of this state, subject to the same uses, trusts and limitations as the estate sold was subject to.

(5) If the owner of real estate which may have been sold under the provisions of this chapter die during infancy; or being incompetent, die intestate; and upon privy examination as is authorized by this chapter, or without disposing in the manner authorized by law of the property in which the proceeds may have been invested, the person who would have been entitled to the property, if it had not been sold, shall be entitled to

the proceeds, or to the property in which they have been invested.

(6) All persons interested in the property must be made parties; and, if objection to the sale be made by a defendant having a joint interest, his share shall not be sold, but the property may be divided, and a sale of the shares of those desiring it may be ordered, if such division and sale can be made without materially impairing the value of the property or of the plaintiff's interest therein.

(7) If a deed or will give to a trustee a discretionary power to sell the property, the court shall not have power to order a sale of it without the consent of the trustee.

Section 513. KRS 392.080 is amended to read as follows:

(1) When a husband or wife dies testate, the surviving spouse may, though under full age, release what is given to him or her by will, if any, and receive his or her share under KRS 392.020 as if no will had been made, except that in such case the share in any real estate of which the decedent or anyone for the use of the decedent was seized of an estate in fee simple at the time of death shall be only one-third of such real estate. Such relinquishment shall be made within six months after the probate, and acknowledged before and left for record with the *county* clerk [of the county court] or his authorized deputy in the county where probate was made, or acknowledged before a subscribing witness and proved before and left with the county clerk or his authorized deputy. A copy of such relinquishment shall be filed with the clerk of the court in which probate was made. If, within those six months, an action contesting the will is brought, the surviving spouse need not make such relinquishment until within six months succeeding the time when the action is disposed of. Provided, however, the period for renunciation may be extended not exceeding six additional months by order entered by the district court upon application of the surviving spouse for such extension within six months after the date of probate for such extension.

(2) Subsection (1) does not preclude the surviving spouse from receiving his or her share under KRS 392.020, in addition to any bequest or devise to him or her by will, if such is the intention of the testator, plainly expressed in the will or necessarily inferable from the will.

Section 514. KRS 392.120 is amended to read as follows:

(1) A conveyance or devise of real or personal estate, by way of jointure, may bar the surviving spouse's interest in the property and estate of the deceased spouse. If, however, the jointure is made before marriage without the surviving spouse's consent, or during the surviving spouse's infancy the surviving spouse may, within twelve months after decedent's death, waive the jointure by written relinquishment, acknowledged or proved before, and left with, the *county* clerk [of the county court], and have dower, curtesy, or share of the estate as provided by KRS 392.020. A copy of such relinquishment shall be filed with the clerk of the court in which probate was made. When the surviving spouse so demands and receives dower, curtesy or such share of decedent's estate, the estate conveyed or devised in lieu of dower or curtesy shall determine and revert to the heirs or representatives of the grantor or devisor.

(2) Where the surviving spouse is lawfully deprived of jointure, or any part of jointure, and not through any act of the surviving spouse's own, the surviving spouse shall have indemnity for jointure out of decedent's estate.

Section 515. KRS 394.240 is amended to read as follows:

(1) Any person aggrieved by the action of the district court in admitting a will to record or rejecting it may bring an original action in the circuit court of the same county to contest the action of the district court. Such action shall be brought within two (2) years after the decision of the district court. The parties may, in the same action, or in a separate action if the validity of the will is not in issue, seek construction, interpretation or reformation of a will.

(2) Upon filing an action pursuant to subsection (1) of this section, the plaintiff shall forthwith lodge a notice of the action in the office of the county [court] clerk of the county in which the will was admitted to probate or rejected. Such notice shall state the name of the testator, the style of the action, the court in which the action has been filed, the file number assigned to the action by the clerk of the court in which it has been filed, the nature of the action, and the date on which the action was commenced. Said notice shall be signed by plaintiff or his attorney and no jurat shall be necessary. The county [court] clerk shall record and index said notice as if it were a will.

Section 516. KRS 402.050 is amended to read as follows:

(1) Marriage shall be solemnized only by:

(a) Ministers of the gospel or priests of any denomination in regular communion with any religious society;

(b) Judges of the circuit court, *county* judges*/executive* [of the county court], judges of the district court and such justices of the peace as the governor or the county *judge/executive* [court] authorizes; or

(c) A religious society that has no officiating minister or priest and whose usage is to solemnize marriage at the usual place of worship and by consent given in the presence of the society, if either party belongs to the society.

(2) At least two persons, in addition to the parties and the person solemnizing the marriage, shall be present at every marriage.

Section 517. KRS 402.060 is amended to read as follows:

No minister or priest shall solemnize marriage until he has obtained a license therefor from the county *judge/executive* [court] of the county in which he resides, upon satisfying the *county judge/executive* [court] that he is a person of good moral character and in regular communion with his religious society, and upon giving covenant to the Commonwealth, with good surety, not to violate the law of this state concerning marriage. Any such license may be annulled by any county *judge/executive* [court], after notice to the person holding the license.

Section 518. KRS 402.080 is amended to read as follows:

(1) No marriage shall be solemnized without a license therefor. The license shall be issued by the clerk of the county in which the female resides at the time, unless the female is eighteen years of age or over or a widow, and the license is issued on her application in person or by writing signed by her, in which case it may be issued by any county clerk.

(2) No county clerk shall issue a marriage license until the application for a marriage license remains on file, open to the public, in the office of the county [court] clerk, for three days before license is issued.

Section 519. KRS 402.990 is amended to read as follows:

(1) Any party to a marriage prohibited by KRS 402.010 shall be fined not less than $500 nor more than $5,000. If the parties continue after conviction to cohabit as man and wife, either or both of them shall be imprisoned in the penitentiary for not less than three nor more than twelve months.

(2) Any person who aids or abets the marriage of any feeble-minded person, or attempts to marry, or aids or abets any attempted marriage with, an idiot or lunatic shall be fined not less than $50 nor more than $500.

(3) Any authorized person, with or without a license, who knowingly solemnizes a marriage prohibited by this chapter shall be fined not more than $1,000 or imprisoned not less than one month nor more than twelve months, or both.

(4) Any minister or priest who breaches the covenant required by KRS 402.060 shall be fined not more than $2,000.

(5) Any person who attempts to solemnize a marriage without a marriage license or without being authorized by the county *judge/executive* [court] to solemnize marriages shall be fined not more than $1,000 or imprisoned for not less than one month nor more than twelve months, or both.

(6) Any unauthorized person who solemnizes a marriage under pretense of having authority, and any person who falsely personates the father, mother or guardian of an applicant in obtaining a license shall be imprisoned in the penitentiary for not more than three years.

(7) Any person who falsely and fraudulently represents or personates another, and in such assumed character marries that person, shall be imprisoned in the penitentiary for not less than one nor more than five years. Indictment under this subsection shall be found only upon complaint of the injured party and within two years after the commission of the offense.

(8) Any clerk who knowingly issues a marriage license to any persons prohibited by this chapter from marrying shall be fined not less than $500 nor more than $1,000, and removed from office by the judgment of the court in which he is convicted.

(9) Any clerk who knowingly issues a marriage license in violation of his duty under this chapter shall be fined not more than $1,000.

(10) If any deputy clerk or any person other than a county clerk knowingly issues a marriage license in violation of this chapter, but not for a prohibited marriage, he shall be fined not more than $1,000, and if he knowingly issues a license for a marriage prohibited by this chapter he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(11) Any person who violates any of the provisions of KRS 402.090 shall be fined not less than $10 nor more than $100 for each offense.

(12) Any county clerk who violates any of the provisions of KRS 402.110 or 402.230 shall be fined not less than $20 nor more than $50.

(13) Any person who violates any of the provisions of KRS 402.120 to 402.200 by disclosing any matter of confidential nature shall be fined $1,000, which shall be paid to the applicant for a marriage license in lieu of damages. Upon failure to pay the fine, the defendant shall be imprisoned as for failure to pay any other fine.

(14) Any physician, laboratory representative, county clerk or applicant for a marriage license who violates any of the provisions of KRS 402.120 to 402.200, or makes any false representation of fact or identity, shall be fined not less than $10 nor more than $100, and imprisoned in the county jail for a term fixed by the jury.

(15) Any person failing to make the return required of him by KRS 402.220 shall be fined $50.

Section 520. KRS 413.050 is amended to read as follows:

(1) The limitations mentioned in KRS 413.010 to 413.040 shall not begin to run in respect to actions by a city for the recovery of any part of any street, alley or other public easement or the use thereof in the city, until the legislative body of the city has been notified in writing by the party in possession or about to take possession that his possession will be adverse to the right or title of the city. Until such notice is given, all possession of any part of any street, alley or public easement in any city shall be deemed amicable, and the person in possession the tenant at will of the city.

(2) Limitation shall not begin to run in favor of any person in the possession of any part of any public road until written notice is given to the county *judge/executive* [court] of the county in which the road is situated that the possession is adverse to the right of the public to the use of the road.

Section 521. KRS 416.100 is amended to read as follows:

When any county *judge/executive* [court] desires to condemn land under the authority of KRS 178.110, the county *judge/executive* [court] shall proceed pursuant to the Eminent Domain Act of Kentucky.

Section 522. KRS 416.130 is amended to read as follows:

(1) Every corporation organized for the purpose of constructing, or empowered to construct, a dam in any stream in this state for the purpose of improving navigation or developing, distributing and selling water power or electricity, and every corporation authorized under the laws of this state to conduct the business of producing and supplying electricity for the purpose of light, heat or power, may cause examinations and surveys to be made for its proposed dams, reservoirs, ponds, locks, bridges, power stations, roads, conduits and transmission lines, as well as the land that may be overflowed by the erection of any dam or other structure, and for such purposes may, by its officers, agents or servants, enter from time to time upon any lands or waters for the purpose of making such surveys or examinations, subject to liability for actual damage done. Before entering upon any land for such purposes, the corporation shall deposit with the clerk of the county in which the property is located, a bond to the Commonwealth in a penal sum fixed by the county *judge/executive* [court] at not more than double the last assessed valuation of the property to be surveyed or examined, conditioned to indemnify all persons for actual damages sustained on account of making any examination or survey. When the location of the dam or other structure, and the land that may be overflowed by the erection of the dam, is determined, the corporation shall cause a survey and map to be made of the land to be taken and entered upon, which map shall be signed by the president and secretary and filed in the office of the *county* clerk [of the county court] of the county in which the land shown on the map is situated.

(2) When any such corporation cannot, by agreement with the owner, acquire the property rights, privileges or easements needed for any of the uses or purposes referred to in subsection (1) of this section, the corporation may condemn such property, property rights, privileges or easements in the manner provided in the Eminent Domain Act of Kentucky. Any corporation constructing or maintaining such dam shall be liable for any damages resulting from overflowing any property, public or private.

Section 523. KRS 422.090 is amended to read as follows:

(1) All discharge papers, given, executed or delivered to any person in the military or naval service of the United States, which evidence his discharge from the service of the United States and show the unit or part of the department to which he was attached and from which he was discharged may be recorded in the office of the county clerk of the county in which the person discharged is a resident. Upon the presentation of such discharge papers the county clerk shall record them, without charge therefor, in a suitable book which he shall provide for that purpose.

(2) A certified or attested copy of such recorded discharge is admissible evidence in all proceedings in which such discharge may come in question or in which it might be used as legal evidence of any fact.

(3) It shall be the duty of each county [court] clerk to index alphabetically the name of each person whose discharge papers are recorded as provided in this section and to keep such index as a permanent record in such office. The index may be bound with the book in which the discharge papers are recorded, or may be a separate bound index, to be kept with the book in which the discharge papers are recorded.

Section 524. KRS 423.010 is amended to read as follows:

The secretary of state may appoint as many notaries public as he deems necessary, who shall hold office for four years. Any person desiring to be appointed a notary public shall make written application to the secretary of state. The application shall be approved by the circuit judge, circuit clerk, county judge/executive, county clerk, justice of the peace or a member of the general assembly of the county of the residence of the applicant. No officer shall charge or accept any fee for approving the application. A notary public must be eighteen years of age, a resident of the county from which he makes his application, of good moral character and capable of discharging the duties imposed upon him by this chapter, and the endorsement of the officer approving the application shall so state. The secretary of state, in his certificate of appointment to the applicant, must designate the limits within which the notary is to act. Before a notary acts, he must take an oath *before the county judge/executive* [in the county court] of his county that he will honestly and diligently discharge the duties of his office. He must in the same court give an obligation with good security for the proper discharge of the duties of his office. Every certificate of a notary public shall state the date of the expiration of his commission. The secretary of state shall give to each notary appointed a certificate of his appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to said notary by the governor of Kentucky, and receive a fee of $5.00 for the certificate.

Section 525. KRS 424.150 is amended to read as follows:

When any statute providing for newspaper publication of an advertisement does not designate the person responsible for causing the publication to be made, the responsible person shall be:

(1) Where the advertisement is of the filing of a petition or application, the person by whom the same is filed.

(2) Where the advertisement is of an activity or action of:

(a) An individual public officer, the officer himself.

(b) A city, the city clerk if there be one; if not, the mayor or the chairman of the board of trustees.

(c) A county, the county [court] clerk.

(d) A district, or a board, commission or agency of a city, county or district, the chief administrative or executive officer or agent thereof.

(e) A court, the clerk thereof.

(f) A state department or agency, the head thereof.

Section 526. KRS 424.220 is amended to read as follows:

Excepting officers of a city of the first class, a county containing such a city, a public agency of such a city or county, or a joint agency of such a city and county, or of a school district of such a city or county, and excepting officers of a city of the second class that is required by law to publish an annual audit of its financial affairs, every public officer of any school district, city, county, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, and every officer of any board or commission of a city, county or district whose duty it is to collect, receive, have the custody, control or disbursement of funds collected from the public in the form of rates, charges or assessments for services or benefits, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed, unless he has complied with KRS 424.230. The statement shall show the amount of funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid, except that only the totals of amounts paid to each individual as salary or commission and public utility bills need to be shown and except that the amount of salaries paid to all teachers shall be shown as a lump sum instructional expenditure for the school district and not by amount paid to individual teachers and the amount of salaries paid to all other employes of the board shall be shown as lump sum expenditures by category, including, but not limited to, administrative, maintenance, transportation, and food service; however the local board of education must have accessible a factual list of individual salaries for public scrutiny and the local board shall furnish by mail a factual list of individual salaries of its employes to a newspaper qualified under KRS 424.120 to publish advertisements for the district, which newspaper may then publish as a news item the individual salaries of school employes. The officer shall procure and include in or attach to the statement as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of funds to the credit of the officer making the statement. The officer shall, within sixty days after the close of the fiscal year, cause the statement to be published in full in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county or district, as the case may be. Promptly after the publication is made, the officer shall file a written or printed copy of the advertisement with proof of publication, in the office of the county [court] clerk of the county. Within thirty days after publication, the officer shall file with the auditor of public accounts a copy of the newspaper containing the statement.

Section 527. KRS 424.290 is amended to read as follows:

(1) Not less than three days before any primary or regular election the county [court] clerk shall cause to be published in a newspaper a copy of the face of the voting machines. Where the voting machine faces

differ for various precincts within the county, the county clerk shall cause to be published only one voting machine face with appropriate notations showing the differences in the various precincts. If supplemental paper ballots have been approved as provided in KRS 118.215, the paper ballot shall be published at the same time as the face of the voting machine. The cost of publication shall be paid by the county, except that the cost of publishing any voting machine face that is limited to a city election or a district election other than a school district election, shall be paid by the city or the district as the case may be.

(2) "Copy," as used in subsection (1) of this section, means a summary of a voting machine face showing all the pertinent information that will appear on a particular voting machine face.

Section 528. KRS 426.552 is amended to read as follows:

The clerk, before making the indorsements required by paragraph (d) of subsection (1) of KRS 426.551, shall require the person claiming right thereto to file an affidavit showing his right. If the affiant state that he is a personal representative or successor of a decedent, the clerk shall also require him to file a copy, properly certified, of his appointment as such by a competent tribunal in the United States; and, unless the appointment was made in Kentucky, the clerk shall also require of him a covenant, with good surety, that he will dispose, according to law, of any property which he may receive upon the execution. If the affiant state that he is a devisee of a decedent, the clerk shall require him to file a copy of the will, certified by a *county* clerk [of a county court] in this state in which the will or a copy is recorded.

Section 529. KRS 426.715 is amended to read as follows:

A lien shall exist on real property sold under an order of court, as security for the purchase money; and, upon payment thereof the clerk shall release the lien on the margin of the record of the deed in the office of the *county* clerk [of the county court].

Section 530. KRS 431.535 is amended to read as follows:

(1) Any person who has been permitted to execute a bail bond in accordance with KRS 431.520(3)(c) may secure such bond:

(a) By a deposit, with the clerk of the court, of cash, or stocks and bonds in which trustees are authorized to invest funds under the laws of this Commonwealth having an unencumbered market value of not less than the amount of the bail bond; or

(b) By real estate situated in this Commonwealth with unencumbered equity, not exempt and owned by the defendant or a surety or sureties having a fair market value at least double the amount of the bail bond.

(2) If the bail bond is secured by stocks and bonds the defendant or the surety or sureties shall file with the bond a sworn schedule which shall be approved by the court and shall contain:

(a) A list of the stocks and bonds deposited describing each in sufficient detail that they may be identified;

(b) The present market value of each stock and bond;

(c) The total market value of the stocks and bonds listed;

(d) A statement that the affiant or affiants is the sole owner or owners thereof and that the stocks and bonds listed are not exempt from execution;

(e) A statement that such stocks and bonds have not previously been deposited or accepted as bail in this Commonwealth during the 12 months preceding the date of the bail bond; provided however this statement shall not be required of the defendant using his own property as security; or if the surety or sureties using their property as security are related to the defendant by consanguinity no further removed than first cousin; or if the surety or sureties is either a father-in-law, mother-in-law, son-in-law or daughter-in-law of the defendant; and

(f) A statement that such stocks and bonds are security for the appearance of the defendant in accordance with the conditions of release imposed by the court.

(3) If the bail bond is secured by real estate the defendant or surety or sureties shall file with the bond a sworn schedule which shall contain:

(a) A legal description of the real estate;

(b) A description of any and all encumbrances on the real estate including the amount of each and the holder thereof;

(c) The market value of the unencumbered equity owned by the affiant or affiants;

(d) A statement that the affiant is the sole owner, or in the case of jointly owned real estate, that affiants are the sole owners of such unencumbered equity and that it is not exempt from execution;

(e) A statement that the real estate has not previously been used or accepted as bail in this Commonwealth during the 12 months preceding the date of the bail bond; provided however this statement shall not be required of the defendant using his own property as security; or if the surety or sureties using their property as security are related to the defendant by consanguinity no further removed than first cousin; or if the surety or sureties is either a father-in-law, mother-in-law, son-in-law or daughter-in-law of the defendant; and

(f) A statement that the real estate is security for the appearance of the defendant in accordance with the conditions of release imposed by the court.

(4) The sworn schedule shall constitute a material part of the bail bond. An affiant shall be subject to penalty of perjury if in the sworn schedule he makes a false statement which he does not believe to be true.

(5) A certified copy of the bail bond and schedule of real estate accompanied by the necessary recording fee which shall be paid by the affiant or affiants shall be filed immediately by the clerk of the court requiring the bail bond in the office of the county [court] clerk of the county in which the real estate is situated. The county [court] clerk shall record such copies of said bail bonds and schedule and the Commonwealth shall have a lien upon such real estate from the date and time of such recordation. The instruments described herein shall be recorded in the Miscellaneous Encumbrances Book provided by the county [court] clerk.

(6) If the conditions of release imposed by the court have been performed and the defendant has been discharged from all obligations in the action, the clerk of the court shall return to him or his sureties the deposit of any cash, stocks or bonds. If the bail bond has been secured by real estate the clerk of the court requiring the bail bond shall forthwith notify in writing the county [court] clerk of the county where the real estate is situated and the lien on the real estate shall be discharged and the release thereof recorded in the margin.

Section 531. KRS 432.120 is amended to read as follows:

Any person who signs any name to a petition, memorial or remonstrance intended for presentation to the general assembly, a county *judge/executive* [court] or the governor, without authority from the person whose name is signed or where there is no such person, shall be fined not less than fifty dollars nor more than five hundred dollars.

Section 532. KRS 441.300 is amended to read as follows:

The jailer of a county having a population of 150,000 or more may appoint a physician for the county jail, who shall attend upon and prescribe for all persons confined in jail by court order. The physician shall, upon appointment, enter upon the discharge of the duties of the office, and shall hold office at the pleasure of the jailer. The order of the jailer appointing or removing a physician shall be signed by the jailer and acknowledged before a notary public, and filed with the county *judge/executive* [court], which shall enter the order upon *his* [its] order book. The physician shall continue to receive the salary now fixed by law and paid out of the county levy; provided, however, that such salary may be increased or decreased to the amount fixed by the jailer by written recommendation to the Fiscal Court of the county, which recommendation shall become effective upon its approval by resolution of the Fiscal Court. The compensation shall be paid by the county, but the county may require a city using the jail to pay its pro rata part of the compensation.

Section 533. KRS 7.320 is amended to read as follows:

(1) The legislative research commission or a subcommittee authorized by it, shall study and examine expenditures of state agencies. The commission may organize and adopt rules for the conduct of its business and do whatever else it considers necessary or advisable to carry out the purposes of KRS 7.310 to 7.380.

(2) The commission may adopt rules and prescribe procedures for the conduct of its affairs.

(3) The commission *or any member thereof or any employe duly authorized by the commission or the chairman thereof* may administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, and have the deposition of witnesses taken in the manner prescribed by law for taking depositions in civil actions. If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter regarding which he may be lawfully interrogated, the *Franklin Circuit Court* [Court of Appeals] may on application of the commission compel obedience by proceedings for contempt in the same manner as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. Each witness who appears before the commission by its order, other than an officer or employe of the state, is entitled to the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the commission.

Section 534. KRS 15.315 is amended to read as follows:

The Kentucky law enforcement council is hereby established as an independent administrative body of state government to be made up as follows:

(1) The attorney general of Kentucky, the *commissioner of the bureau of* [commander of the Kentucky] state police, the dean of the school of police administration of the university of Louisville, the dean of the school of law enforcement of eastern Kentucky university, the president of the Kentucky peace officers sssociation, the president of the Kentucky association of chiefs of police, and the Kentucky president of the fraternal order of police, shall be ex officio members of the council, as full voting members of the council by

reason of their office. The Kentucky special agent in charge of the federal bureau of investigation shall serve on the council in an advisory capacity only without voting privileges.

(2) Nine (9) members shall be appointed by the governor for terms of four (4) years from the following classifications: a city manager or mayor, one (1) Kentucky sheriff, a member of the Kentucky state bar association, five (5) chiefs of police, and a citizen of Kentucky not coming within the foregoing classifications. No person shall serve beyond the time he holds the office or employment by reason of which he was initially eligible for appointment. Vacancies shall be filled in the same manner as the original appointment and the successor shall be appointed for the unexpired term. Any member may be appointed for additional terms.

(3) No member may serve on the council with the dual membership as the representative of more than one of the aforementioned groups or the holder of more than one of the aforementioned positions. In the event that an existing member of the council assumes a position entitling him to serve on the council in another capacity the governor shall appoint an additional member from the group concerned to prevent dual membership.

(4) Membership on the council does not constitute a public office and no member shall be disqualified from holding public office by reason of his membership.

Section 535. KRS 16.505 is amended to read as follows:

As used in KRS 16.510 to 16.652, unless the context otherwise requires:

(1) "System" means the state police retirement system created by KRS 16.510 to 16.652;

(2) "Board" means the board of trustees of the Kentucky retirement systems;

(3) "Employer" or "state police" means the bureau of state police, or its successor;

(4) "Current service" means the number of years and completed months of employment as an employe subsequent to July 1, 1958, for which creditable compensation was paid by the employer and employe contributions deducted except as otherwise provided in KRS 16.541;

(5) "Prior service" means the number of years and completed months of employment as an employe prior to July 1, 1958, for which creditable compensation was paid to the employe by the commonwealth;

(6) "Service" means the total of current service and prior service;

(7) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, together with interest credited on such amounts as provided in KRS 16.510 to 16.652, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(8) "Creditable compensation" means all salary and wages paid to the employe as a result of services performed for the employer; living allowances, expense reimbursements, payments received after the date of termination of employment for accrued vacation leave, and other such items as are determined by the board shall be excluded;

(9) "Final compensation" at any time means the creditable compensation of a member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during such five (5) year period multiplied by twelve (12); such five (5) years may be fractional, and need not be consecutive. In the event the number of months of service credit during such five (5) year period is less than forty-eight (48), one or more additional fiscal years shall be used;

(10) "Final rate of pay" means the actual rate upon which earnings of a member were calculated during the twelve (12) month period immediately preceding the member's effective retirement date. Such rate shall be certified to the board by the employer and the following equivalents shall be used to convert said rate to an annual rate: 1,950 hours, 260 days, 52 weeks, 12 months, or one year;

(11) "Retired member" means any member entitled to receive benefits under the provisions of KRS 16.510 to 16.652;

(12) "Retirement allowance" means the retirement payments to which a retired member is entitled;

(13) "Actuarially equivalent benefits" means benefits which are of equal value when computed upon the basis of such actuarial tables as are adopted by the board except in case of disability retirement the options [payable] authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, provided however, that no disability retirement option shall be less than the same option computed under early retirement;

(14) "Authorized leave of absence" means any time during which a person is absent from employment but retained in the status of an employe in accordance with the personnel policy of the bureau of state police;

(15) "Normal retirement date" means the first day of the month following or coinciding with a member's fifty-fifth birthday, except that for members over age fifty-five (55) on July 1, 1958, it shall mean January 1, 1959. A member with thirty (30) or more years of service credit at least fifteen (15) of which are current may declare his "normal retirement date" to be some date prior to his fifty-fifth birthday;

(16) "Disability retirement date" means the first day of the month following total and permanent disability or partial disability;

(17) "Dependent child" means a child en ventre sa mere and a natural or legally adopted child of the member who has neither attained age eighteen (18) nor married or who is an unmarried full-time student, as defined in the federal social security act, who has not attained age twenty-two (22);

(18) "Optional allowance" means an actuarially equivalent benefit elected by the member in lieu of all other benefits provided by KRS 16.510 to 16.652;

(19) "Disability ratio" means that percentage determined by the board as being applicable to the degree of disability suffered or incurred by a member;

(20) "Act in line of duty" means an act occurring or a thing done, which, as determined by the board, was required in the performance of duty;

(21) "Early retirement date" means the retirement date declared by a member who is not less than fifty (50) years of age and has twenty (20) years of service;

(22) "Member" means any officer included in the membership of the system as provided under KRS 16.520 whose membership has not been terminated under KRS 61.535; and

(23) "Regular full-time officers" means the occupants of positions as set forth in KRS chapter 18 as provisional full-time, probationary full-time and permanent full-time.

Section 536. KRS 16.640 is amended to read as follows:

The government and control of the system is hereby vested in the board of trustees of the Kentucky retirement systems. The board shall carry out the provisions of KRS 16.510 to 16.652 in the same manner in which it administers the Kentucky employes retirement system. In all matters concerning the administration of KRS 16.510 to 16.652, the same rights, duties, and obligations shall apply to the board, as now apply under the provisions *of* [by] KRS 61.510 to 61.692, except that members of the board, when acting for the state police retirement system, shall be paid a per diem of ten dollars ($10) plus actual expenses.

Section 537. KRS 16.652 is amended to read as follows:

It is hereby declared that in consideration of the contributions by the member, and in further consideration of benefits received by the state from the member's employment, KRS 16.505 to *16.645* [16.990] shall constitute an inviolable contract of the commonwealth, and the benefits provided therein shall not be subject to reduction or impairment by alteration, amendment or repeal.

Section 538. KRS 21A.090 is amended to read as follows:

(1) At the request of the chief justice, the governor may provide through the Kentucky state police such security personnel and services for the Supreme Court and Court of Appeals as shall be necessary.

(2) When the chief justice, in his discretion, believes that local law enforcement personnel should be supplemented or superseded by the state police, the governor may provide through the Kentucky state police the necessary security personnel and services for any person or facility in the Court of Justice.

(3) [Notwithstanding the provisions of KRS 16.120,] Kentucky state police officers serving the Court of Justice pursuant to subsections (1) or (2) of this section shall have statewide authority when performing any duty related to the Court of Justice. [However, in cities where state police would not otherwise be permitted under the provisions of KRS 16.120 because of the lack of a request for the state police by city officials as required by KRS 16.120 the powers of state police officers shall be limited to:

(a) Physical security of court personnel and facilities;

(b) Investigation of threats against court personnel and court facilities; and

(c) Investigation of crimes against court personnel and court facilities.

(d) Personnel so assigned shall have no authority to engage in general criminal investigations or in investigations not specifically related to court security duties and services.]

Section 539. KRS 56.463 is amended to read as follows:

The department shall have the power and duty:

(1) To determine the comparative needs and demands of the various state agencies for acquiring real estate and for building projects.

(2) To purchase or otherwise acquire all real property determined to be needed for state use and upon the approval of the commissioner of the executive department for finance and administration as to the determination of need and as to the action of purchase or other acquisition, except as provided in KRS chapters 175, 176, 177, and 180. All such acquisitions of real property or interests therein shall be made in accordance with KRS 45.360.

(3) To sell or otherwise dispose of all property, including any interest in real property, of the state that is not needed or has become unsuitable for public use or would be more suitable consistent with the public interest for some other use as determined by the commissioner of the executive department for finance and administration. All such sales or other disposition shall be made in accordance with KRS 45.360.

(4)(a) To control the use of any real property owned or otherwise held by the Commonwealth, or any state agency, and to determine for what periods of time and for what purposes any state agency may use the same, including the agency for whose use it was initially acquired or improved, and to determine what appropriate uses shall be made of such real property during periods that the department finds the same is not required for the purposes of any particular state agency.

(b) To determine the housing and furnishings needs of the various state agencies located in Frankfort and to establish and put into effect a permanent program for housing them. The department is also authorized and directed to allocate office space and furnishings in existing public buildings located in Frankfort, exclusive of the third and fourth floors of the new state capitol, according to the needs of the various agencies and when necessary to provide additional office space and furnishings in Frankfort under any building program the department deems most advisable and economical for the state. The permanent housing program shall include provisions for housing the general assembly and its related agencies, including the legislative research commission, and its subcommittees, the executive offices, the *Supreme* Court and the clerk of the Supreme Court, the department of law and the law library, in the new state capitol, provided the general assembly and the legislative research commission shall have complete control and exclusive use of the third and fourth floors of the new state capitol. If there be any additional space in the capitol, it shall be assigned to agencies whose activities are most closely related to the agencies directed to be located permanently in the capitol.

(5) To acquire, by condemnation in the manner provided in the Eminent Domain Act of Kentucky, any real estate necessary for use by the state or by any state agency, when the department is unable to agree with the owner thereof on a price for such real estate.

(6) To lease any real property, or any interest in such real property, owned by the state or any agency thereof, in accordance with KRS 45.360.

(7) To provide for and adopt such plans and specifications as may be necessary, to advertise for and receive bids for any expenditures proposed to be made, to award contracts for the purpose authorized, to supervise construction and make such changes and revisions in plans and specifications or in construction as may become necessary, and generally to do any and all other things as may become necessary or expedient in order to effectively fulfill and carry out the purposes of this chapter, including the right to employ such clerks, engineers, statisticians, architects or other persons required to be employed in order to fulfill the functions of the Commonwealth relating to state property and buildings provided in KRS 56.450 to 56.550.

(8) To adopt such rules and regulations as may be necessary to govern the acquisition, control, and disposition of the real property to which this section is applicable.

Section 540. KRS 56.610 is amended to read as follows:

(1) It is the intent of the legislature by KRS 56.610 to 56.760 [, 416.140, and 416.470] to conform to federal requirements tending toward greater uniformity of compensation to persons displaced by land acquisition programs.

(2) It is the further intent of the legislature by KRS 56.610 to 56.760 [, 416.140, and 416.470] to make certain that all payments authorized by KRS 56.610 to 56.760 [, 416.140, and 416.470] are payments in addition to the payment of fair market value for property taken by the state agency when there is a total taking and in addition to the payment of the difference between the fair market value before and after the taking when there is a partial taking.

Section 541. KRS 56.620 is amended to read as follows:

The purpose of KRS 56.610 to 56.760 [, 416.140, and 416.470] is to establish a uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property by state and local land acquisition programs, by building code enforcement activities, or by a program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision. Such policy shall be uniform as to relocation payments, advisory assistance, assurance of availability of standard housing, and state reimbursement for local relocation payments under state-assisted and local programs.

Section 542. KRS 56.630 is amended to read as follows:

As used in KRS 56.610 to 56.760 [, 416.140, and 416.470] the term:

(1) "State agency" means any department, agency or instrumentality of the state or of a political subdivision of the state, or any department, agency or instrumentality of two (2) or more subdivisions of the state, engaged in federally assisted projects which result in displacement of persons due to the operation of such projects.

(2) "Person" means any individual partnership, corporation, or association.

(3) "Displaced person" means any person who, on or after June 16, 1972, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a state agency; and solely for the purpose of KRS 56.640(1) and (2) and 56.670, as a

result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project. Whenever federal land and water conservation fund or national park system funds are used by an acquiring agency and said acquiring agency provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six (6) months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under KRS 56.610 to 56.760 and shall not be considered a displaced person as defined above.

(4) "Nonprofit organization" means such organization as defined in KRS 273.161.

(5) "Business" means any lawful activity, excepting a farm operation, conducted primarily:

(a) For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) Solely for the purposes of KRS 56.640(1) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(6) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Section 543. KRS 56.640 is amended to read as follows:

(1) If a state agency acquires real property for public use, it shall make fair and reasonable relocation payments to displaced persons and businesses as required by KRS 56.610 to 56.760 [, 416.140, and 416.470,] for:

(a) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(b) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the state agency; and

(c) actual reasonable expenses in searching for a replacement business or farm.

(2) Any displaced person eligible for payments under subsection (1) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (1) of this section may receive a moving expense allowance, determined according to a schedule established by the state agency and a dislocation allowance, such moving expense and dislocation allowances not to exceed the maximum amount of such allowances required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any amendments thereto subsequently adopted.

(3) Any displaced person eligible for payments under subsection (1) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (1) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be in the amount required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any amendments thereto subsequently adopted. In the case of a business no payment shall be made under this subsection unless the state agency is satisfied that the business cannot be relocated without a substantial loss of its existing patronage, and is not a part of a commercial enterprise having at least one other establishment not being acquired by the state, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earning" means one-half of any net earnings of the business or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

Section 544. KRS 56.650 is amended to read as follows:

(1) In addition to payments otherwise authorized by KRS 56.610 to 56.760 [, 416.140, and 416.470], the state agency shall make an additional payment, not in excess of the maximum amount of such payment required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any amendments thereto subsequently adopted, to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to

the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(a) The amount, if any, which when added to the compensation for the dwelling acquired by the state agency equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this paragraph shall be determined by regulations issued pursuant to KRS 56.690.

(b) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be determined by regulations issued pursuant to KRS 56.690.

(c) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one-year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

Section 545. KRS 56.660 is amended to read as follows:

In addition to amounts otherwise authorized by KRS 56.610 to 56.760, [416.140, and 416.470,] a state agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under KRS 56.640 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either:

(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed the maximum amount required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any amendments thereto subsequently adopted, or

(2) The amount necessary to enable such person to make a downpayment (including incidental expenses described in KRS 56.650 (1) (c)), *on* the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, in the amount and on the conditions as required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any amendments thereto subsequently adopted.

Section 546. KRS 56.690 is amended to read as follows:

(1) The executive department for finance and administration shall adopt such rules and regulations as may be necessary to assure:

(a) That the payments and assistance authorized by KRS 56.610 to 56.760 [, 416.140, and 416.470] shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(b) That a displaced person who makes proper application for a payment authorized for such person by KRS 56.610 to 56.760 [, 416.140, and 416.470] shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(c) That any person aggrieved by a determination as to eligibility for a payment authorized by KRS 56.610 to 56.760 [, 416.140, and 416.470,] or the amount of a payment, may have his application reviewed by the head of the state agency.

(2) The executive department for finance and administration may prescribe such other regulations and procedures, consistent with the provisions of KRS 56.610 to 56.760, [416.140, and 416.470,] as it deems necessary or appropriate to carry out KRS 56.610 to 56.760 [, 416.140, and 416.470].

Section 547. KRS 56.710 is amended to read as follows:

Funds appropriated or otherwise available to any state agency for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of KRS 56.610 to 56.760 [, 416.140, and 416.470] as applied to that program or project.

Section 548. KRS 56.720 is amended to read as follows:
If a unit of local government acquires real property, and federal and state financial assistance are available to pay the cost, in whole or part, of the acquisition of such real property, or of the improvement for which such property is acquired, the cost to the unit of local government of providing the payments and services prescribed by KRS 56.610 to 56.760 [, 416.140, and 416.470] shall be included as part of the costs of the project for which federal and state financial assistance are available to such unit of local government, and shall be eligible for state financial assistance in the same manner and to the same extent as other project costs.

Section 549. KRS 56.730 is amended to read as follows:
A person who moves or discontinues his business or moves other personal property, or moves from his dwelling on or after June 16, 1972 as the direct result of code enforcement activities, or a program of rehabilitation of buildings conducted pursuant to a governmental program, is deemed to be a displaced person for the purposes of KRS 56.610 to 56.760 [, 416.140, and 416.470].

Section 550. KRS 56.740 is amended to read as follows:
No payment received by a displaced person under KRS 56.610 to 56.760 [, 416.140, and 416.470] shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of the state's personal income tax law, corporation tax law, or other tax laws. Such payments shall not be considered as income or resources of any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

Section 551. KRS 61.510 is amended to read as follows:
As used in KRS 61.515 to 61.692, unless the context otherwise requires:
(1) "System" means the Kentucky employes retirement system created by KRS 61.515 to 61.692;
(2) "Board" means the board of trustees of the system as provided in KRS 61.645;
(3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.515 to 61.692, the members, officers and employes of the general assembly and any other body, entity or instrumentality designated by executive order by the governor, shall be deemed to be a department notwithstanding whether said body, entity or instrumentality is an integral part of state government;
(4) "Examiner" means the medical examiner or examiners as provided in KRS 61.665;
(5) "Employe" means the members, officers and employes of the general assembly and every regular full-time appointed or elective officer or employe of a participating department, including the department of military affairs. The term shall not, however, include persons engaged as independent contractors, seasonal, emergency, temporary and part-time workers. In case of any doubt, the board shall determine if a person is an employe within the meaning of KRS 61.515 to 61.692;
(6) "Employer" means a department or any authority of such department having the power to appoint or select an employe in such department, including the senate and the house of representatives;
(7) "State" means the commonwealth of Kentucky;
(8) "Member" means any employe who is included in the membership of the system or any former employe whose membership has not been terminated under KRS 61.535;
(9) "Service" means the total of current service and prior service as defined herein;
(10) "Current service" means the number of years and months of employment as an employe, on and after July 1, 1956, (except that for members, officers and employes of the general assembly this date shall be January 1, 1960) for which creditable compensation is paid and employe contributions deducted except as otherwise provided in KRS 61.552(7) and KRS 61.555, and each member, officer and employe of the general assembly shall be credited with a month of current service for each month he occupies such position during a legislative biennium subsequent to January 1, 1960;
(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, prior to July 1, 1956, for which creditable compensation was paid; except that, for members, officers and employes of the general assembly this date shall be January 1, 1960. An employe shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work; provided, however, that each member, officer and employe of the general assembly shall be credited with a month of prior service for each month he occupied such position during a legislative biennium prior to January 1, 1960;
(12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account,

together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(13) "Creditable compensation" means all salary, wages and fees paid to the employe as a result of services performed for the employer, except that for members of the general assembly it shall mean an assumed salary of $18,000 per annum which shall include per diem and expense payments authorized by KRS chapter 6. The creditable compensation of members, officers and employes of the general assembly shall be calculated as having been received in equal amounts for each month of the biennium. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money;

(14) "Final compensation" of a member means the creditable compensation of the member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). Said five (5) years may be fractional and need not be consecutive. In the event the number of months of service credit during such five (5) year period is less than forty-eight (48), one or more additional fiscal years shall be used;

(15) "Final rate of pay" means the actual rate upon which earnings of an employe were calculated during the twelve (12) months period immediately preceding the member's effective retirement date. Such rate shall be certified to the board by the employer and the following equivalents shall be used to convert said rate to an annual rate; 1,950 hours, 260 days, 52 weeks, 12 months, one year;

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board except in cases of disability retirement the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, provided however, that no disability retirement option shall be less than the same option computed under early retirement;

(18) "Normal retirement date" means the sixty-fifth birthday of a member unless otherwise provided in KRS 61.515 to 61.692;

(19) "Fiscal year" of the system means the twelve (12) months from July 1, through the following June 30;

(20) "Officers and employes of the general assembly" means the occupants of those positions enumerated in KRS 6.150 and the assistants if employed by the general assembly for at least six (6) legislative bienniums; and

(21) "Regular full-time positions" as used in *subsection (5) of this section* [KRS 61.150(5)] shall mean all positions as set forth in KRS chapter 18 as provisional full-time, probationary full-time and permanent full-time, all positions of local health departments meeting the definitions as set forth in KRS chapter 18 of provisional full-time, probationary full-time and permanent full-time and all other positions except:

(a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year;

(b) Emergency positions which are positions which do not exceed thirty (30) working days and are nonrenewable;

(c) Temporary positions which are positions of employment with a participating department for a period of time not to exceed six (6) months in any event and not renewable;

(d) Part-time positions which are positions which may be permanent in duration, but which require less than an annual or fiscal year average of one hundred (100) hours of work per month in the performance of duty;

(22) "Delayed contribution payment" means an amount paid by an employe for current service obtained under KRS 61.552. Such amount shall be determined using the same formula adopted by the board for purchase of service under KRS 61.552(7) except the employe shall pay a single payment of 50% of the total cost of such service with no cost to the employer. A delayed contribution payment shall be deposited to the member's contribution account and considered as accumulated contributions of the individual member;

(23) "Parted employer" means a department, portion of a department, board or agency (such as Outwood Hospital and School) which previously participated in the system, but due to lease, or other contractual arrangement is now operated by a publicly held corporation or other similar organization, and therefore, no longer participating in the system.

Section 552. KRS 61.541 is amended to read as follows:

(1) The creditable compensation of fee officers who receive salary or fees or maintenance or other perquisites as a result of their official duties is the gross amount thus received decreased by the cost of salary paid deputies and clerks and the cost of office supplies and other official expenses.

(2) Each such officer shall estimate the amount of creditable compensation he expects to receive during a calendar year and shall report and pay employe contributions monthly on one-twelfth (1/12) of such estimated [official] creditable compensation.

(3) On or before April 30 of each year, each such officer shall file with the retirement office a report of his actual creditable compensation during the previous calendar year. This report shall be in the form of an affidavit and shall be used by the retirement system as a basis of adjusting the individual's account in the retirement system.

(4) The retirement office shall make a calculation of the amount of the additional contributions due or the excess contributions paid during the previous calendar year. In the event additional contributions are due, both the officer and employer shall pay such contributions on or before June 30 of the year in which the recalculation was made. In the event the recalculation shows that excess contributions have been paid both the officer and the employer shall be reimbursed the amount of overpayment.

(5) Retirement allowances which might otherwise be due such an officer shall be withheld until the provisions of this section have been fully met.

Section 553. KRS 61.635 is amended to read as follows:

(1) Each member shall have the right to elect to have his retirement allowance payable under any one (1) of the options set forth in this section in lieu of the retirement allowance otherwise payable to him upon retirement under any of the provisions of KRS 16.505 to 16.652 and 61.510 to 61.692 and 78.510 to 78.852. The amount of any such optional retirement allowance shall be actuarially equivalent to the amount of retirement allowance otherwise payable to him.

(2) Survivorship one hundred percent (100%). The member may elect to receive a decreased retirement allowance during his lifetime and have such retirement allowance continued after his death to his beneficiary during the lifetime of such person.

(3) Survivorship sixty-six and two-thirds percent (66 2/3 %). The member may elect to receive a decreased retirement allowance during his lifetime and have two-thirds (2/3) of such retirement allowance continue after his death to his beneficiary during the lifetime of such person.

(4) Survivorship fifty percent (50%). The member may elect to receive a decreased retirement allowance during his lifetime and have one-half (1/2) of such retirement allowance continued after his death to his beneficiary during the lifetime of such person.

(5) Life with ten (10) years certain. The member may elect to receive a monthly retirement allowance during his lifetime which shall quarantee payments for one hundred and twenty (120) months. If the member should become deceased before receiving payments for one hundred and twenty (120) months, his beneficiary shall receive the remaining payments monthly for the duration of the one hundred and twenty (120) months period, except if the estate is designated as beneficiary the executor or administrator of the estate may elect to receive a lump sum payment which shall be the actuarial equivalent to the remaining payments, or said executor or administrator may elect to continue the remaining monthly payments to the estate of the member.

(6) Social security adjustment options. These options are available to any member who has not attained age 62 as follows:

(a) No survivor rights. The member may elect to receive an increased retirement allowance from his effective retirement date through the month he attains age sixty-two (62) at which time his retirement allowance shall be decreased for the remainder of his lifetime.

(b) Survivor rights. The member may elect to receive an increased retirement allowance from his effective retirement date through the month he attains age sixty-two (62) based on the option payable under subsection (2) of this section, provided the retirement allowance shall be decreased in the month following the month he attains age sixty-two (62), *or* [of] the month following the month he would have attained age sixty-two (62), in event of his death, and have such retirement allowance continue after his death to his beneficiary during the lifetime of such person.

(7) Partial deferred. The member may elect to receive during his lifetime a decreased retirement allowance, as determined by the member, from his effective retirement date through the month he attains age sixty-two (62), with an increased retirement allowance thereafter provided, however, that the member has one election to increase his allowance prior to attainment of age sixty-two (62) on any annual anniversary date prior to attaining age sixty-two (62).

(8) In addition to the optional forms of annuities permitted under this section the board may establish such additional optional forms of annuities as it deems desirable. Such additional forms of annuities shall be based on actuarial equivalent values, with due regard to selection against the fund.

Section 554. KRS 61.691 is amended to read as follows:

(1)(a) Effective July 1, 1976, a recipient of a retirement allowance under KRS 16.505 to 16.652 and 61.510 to 61.692 and 78.510 to 78.852 shall have his retirement allowance increased by two per cent (2%) for each year since his effective retirement date as provided under KRS 61.590, subject to a maximum increase of 20%, except a recipient of an early retirement allowance under KRS 16.577, 61.595(2) and *Chapter 116, Section 70(2) 1972 Acts* [78.680(2)], shall not receive such increase unless the retired member's age is within five (5) years of his normal retirement date.

(b) Any fractional portion of a year shall be computed on a pro-rata basis.

(2) Effective July 1, 1977, the retirement allowance of each recipient of a retirement allowance under KRS 16.505 to 16.652 and 61.510 to 61.692 and 78.510 to 78.852 shall be increased in the amount of one-twelfth of two per cent ($1/12$ of 2%) for each month since his effective retirement date as prescribed under KRS 61.590, subject to a maximum increase of two per cent (2%) except a recipient of an early retirement allowance under KRS 16.577, 61.595(2) and *Chapter 116, Section 70(2) 1972 Acts* [78.680(2)] shall not receive such increase unless the retired member's age is within five (5) years of his normal retirement date.

(3) A reemployed retired member whose payments are suspended as provided under KRS 61.637 shall be eligible for an increase in his suspended retirement allowance as provided under this section, computed as if he were receiving said retirement allowance at the time such increase under this section is effective.

Section 555. KRS 78.532 is amended to read as follows:

(1) In the event a county participating in the system or an employer thereof or an eligible county which elects to participate in the system, or an employer thereof has acquired a private corporation, company, organization or entity:

(a) The county may elect, by adopting an order appropriate to its governing body under KRS 78.530, that the employes of such former private employer who participate in a retirement plan be eligible for participation in the system.

(b) In the event the county adopts such order, regular full-time employes of the former private employer will be eligible for current service and prior service for the period of time said employes were employed by the private employer acquired if the employe elects to participate in the system as provided in KRS 78.540(2).

(c) If the county elects the alternate particpation plan as set forth in KRS 78.530(3), employe contributions made to a retirement plan in which the employe formerly participated shall be paid into the county employes retirement system and credited to the individual member's account for each employe electing to terminate coverage under his former retirement plan in order to participate in the system under the provisions of this section. Proper credit shall be given to the county for these employe contributions in computing the cost of participation under the alternate participation plan as provided by KRS 78.530(3).

(d) If the county does not elect the alternate participation plan as set forth in KRS 78.530*(3)* [(a)], employe contributions paid into a former retirement plan by each employe electing to terminate coverage under his former retirement plan as authorized by this section, shall be refunded to the employe unless the employe has a vested account in which case he may elect to leave his contributions in the former retirement plan in order to later receive a pension when he becomes eligible.

Section 556. KRS 78.533 is amended to read as follows:

(1) The metropolitan park and recreation board of Jefferson County, Kentucky established by joint and concurrent resolution of the Jefferson County fiscal court and ordinance of the board of aldermen of the city of Louisville to become effective on July 1, 1968, is hereby declared to be the successor of the Jefferson County playground and recreation board for purposes of participation in the county employes' retirement system.

(2) Regular full-time employes of the metropolitan park and recreation board of Jefferson County shall be given credit for regular full-time service before July 1, 1958 with the city of Louisville department of parks and recreation, the Jefferson County playground and recreation board and any other agency participating in the county employes' retirement system.

(3) Any regular full-time employe of the metropolitan park and recreation board of Jefferson County shall be allowed credit for regular full-time service with the city of Louisville department of parks and recreation, the Jefferson County playground and recreation board and any other agency participating in the county employes' retirement system, for the period July 1, 1958 to the date such employe becomes a member of the retirement system, provided such employe pays contributions to the retirement system in accordance with the provisions of KRS *61.552* [78.607].

Section 557. KRS 78.610 is amended to read as follows:

(1) Each employe shall, commencing on July 1, 1966, contribute for each pay period, for which he receives compensation four per cent (4%) of his creditable compensation.

(2) The treasurer, attorney, clerk, jailer and sheriff of a participating county shall cause to be deducted from the "creditable compensation" of each employe for each and every payroll period subsequent to the date the county participated in the system, the contribution payable by such member as provided in KRS 78.510 to 78.852. The attorney, clerk, jailer and sheriff shall promptly pay such deducted employe contributions to the treasurer for forwarding to the board in accordance with KRS 78.625.

(3) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any employe shall be reduced thereby. Every employe shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation less such deductions shall be a full and complete discharge of all claims for services rendered by such person during the period

covered by such payment, except as to any benefits provided by KRS 78.510 to *78.852* [78.880].

Section 558. KRS 91.140 is amended to read as follows:

(1) The commissioners of the sinking fund shall annually elect one (1) of their number president.

(2) The commissioners of the sinking fund shall, by a majority vote, elect a treasurer and secretary, who shall give bond with good and sufficient surety, to be approved by the commissioners, and shall take oath in the manner required of the commissioners by subsection (4) of KRS 91.130. He shall hold office for four (4) years and until his successor is qualified. Vacancies shall be filled by appointment of the commissioners. The treasurer and secretary shall keep an accurate record of all proceedings of the board of commissioners, receive and disburse all moneys by order of the commissioners and keep an accurate account thereof, and perform all other acts required of him by the commissioners. He shall account for all money and other things of value belonging to the sinking fund that come into his hands or control.

(3) The commissioners shall elect all officers and appoint all employes of the sinking fund, prescribe their duties and fix their compensation. They may provide in bylaws for deductions to be made from the compensation of officers and employes for neglect of duty or violation of the bylaws. All officers and employes, except the treasurer and secretary and the president, shall hold office at the pleasure of the commissioners, as prescribed in the bylaws.

(4) Employes of the sinking fund designated by the board of commissioners, have the same power as peace officers, coextensive with the county in which the city is located, in the enforcement of all ordinances passed pursuant to KRS 92.281, 91.200, *91.260* [to 91.270], 137.410, 186.270, 186.281, or any other ordinance of a city of the first class, which levies a license tax and which is collected or paid to the sinking fund.

(5) Any designations made by the commissioners of the sinking fund of cities of the first class, shall be entered of record in the minutes of the board and a certified copy thereof shall be transmitted to the judge of the police court of the city, and he shall enter same of record and administer to each employe the oath required of peace officers.

Section 559. KRS 94.815 is amended to read as follows:

(1) A city parking authority shall consist of five (5) persons appointed by the mayor with the approval of the city [or urban-county government] legislative body, to serve as commissioners of the local parking authority. Three (3) of the commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), and three (3) years, respectively, and the remaining two (2) of such commissioners shall be designated to serve for terms of four (4) years each, from the date of their appointment. Upon expiration of the staggered terms, the successors shall be appointed for a term of four years. Appointments to complete unexpired terms of office shall be made in the same manner as the original appointments. The commissioners shall constitute the governing body of the parking authority and shall adopt such bylaws, rules and regulations as are necessary for governing of the authority.

(2) Any member of the board may be removed from office upon a vote of a majority of the members of the governing body of the municipality for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance; after at least ten (10) days' written notice of the hearing to the member whose conduct is in question and to all members of the governing body. At the hearing the member may be represented by counsel and may appear personally and present such pertinent evidence as he wishes. If after the hearing the governing body determines that he is guilty of the charges they shall remove the member from the authority within seven (7) days, and there shall be a vacancy of the office.

(3) These five (5) persons are a body corporate constituting a public corporation and a governmental agency within the meaning of KRS 58.010, and shall have all the powers granted by KRS 58.010 to 58.170.

Section 560. KRS 96A.320 is amended to read as follows:

(1) As used in KRS 96A.310 to 96A.370, the term "mass transportation program" shall mean the provision of necessary funds by public bodies to transit authorities created pursuant to KRS chapter 96A with which to acquire, operate and preserve mass transportation facilities. A "mass transportation program" may also include a method for the public body or public bodies to finance principle and interest payments on any general obligation bonds issued pursuant to KRS 96A.120, or to finance transportation related facilities to promote the movement of vehicles and people.

(2) Public bodies which have been parties to the creation and establishment of transit authorities, or who constitute the membership of such transit authorities, may, acting either individually or jointly, submit to either (i) the electorates of such public bodies, or (ii) the electorate of the transit area encompassed by any such transit authority, but only in the manner and pursuant to the procedures set forth in KRS 96A.310 to 96A.370, one or more proposals for the approval of a mass transportation program to be financed by additional voted levies of ad valorem taxes upon all taxable property in such public body or public bodies. Such additional voted levies of ad valorem taxes upon all taxable property in any such public body shall never exceed in the aggregate the limits prescribed by the Constitution of Kentucky for any such public body.

(3) Public bodies which have been parties to the creation and establishment of transit authorities, or who constitute the membership of such transit authorities, may, acting either individually or jointly, submit to either (i) the electorates of such public bodies, or (ii) the electorate of the transit area encompassed by any such transit authority, but only in the manner and pursuant to the procedures set forth in KRS 96A.310 to 96A.370, one or more proposals for the approval of a mass transportation program to be financed by voted levies of occupational license fees. Such voted levies of occupational license fees shall not exceed one percent (1%) of (a) salaries, wages, commissions and other compensation earned by persons for work done and services performed or rendered, and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the public body, or the transit area, except public service companies, banks, trust companies, combined banks and trust companies, combined trust, banking and title companies, any savings and loan association whether state or federally chartered, and in all other cases where a public body is prohibited by law from imposing a license fee.

(4) Public bodies which have been parties to the creation and establishment of transit authorities, or who constitute the membership of such transit authorities, may, acting either individually or jointly, submit to either (i) the electorates of such public bodies, or (ii) the electorate of the transit area encompassed by any such transit authority, but only in the manner and pursuant to the procedures set forth in KRS 96A.310 to 96A.370, one or more proposals for the approval of a mass transportation program to be financed by the voted levy of a sales tax upon all retailers at a rate not to exceed one-half of one percent of the gross receipts of any retailer derived from "retail sales" or "sales at retail" made within the public body or public bodies, provided, however, that public transit sales tax shall not be levied on those retail sales which are exempted from the state sales tax by KRS Chapter 139 on June 19, 1976, or hereafter *exempted* [enacted]. Any sales tax levied for said purpose shall be in addition to the sales tax authorized by Chapter 139 of the Kentucky Revised Statutes. Said public transportation sales tax shall be collected and administered under the provisions of Chapter 139 of the Kentucky Revised Statutes and the rules and regulations of the Kentucky department of revenue. The Kentucky department of revenue shall refund that portion of the sales tax collected as a public transportation tax to the public body or bodies imposing said tax. Notwithstanding any other provision contrary hereto, a mass transportation program financed by a public body or public bodies from said sales tax shall be restricted by the following order of priorities, to wit: first, the annual payment of principle, interest and sinking fund requirements on any general obligation bonds issued pursuant to KRS 96A.120; second, appropriations to the transit authority to provide local matching funds for any available federal or state capital, operating or planning and demonstration, grant projects in accordance with the annual approved budget; and third, any excess funds in the control of each public body receiving said tax shall be transferred to the general fund of each such public body for public transportation and traffic improvement projects at any location within a city or county, in any manner which said public body or public bodies determine will improve transportation, road or traffic conditions, or in general will promote the movement of people and vehicles.

Section 561. KRS 117.225 is amended to read as follows:

(1) Any person desiring to vote on election day shall give his name and address to the clerk of the election. If the person's name is listed on the precinct list furnished by the state board of elections as provided in KRS 117.025 [or as provided in KRS 117.015,] and if no challenge is made, he shall sign his name on the precinct list in the space opposite his printed name. The voter's signature shall constitute his verification that he is a properly registered and qualified voter. The voter shall then retire alone to cast his vote on the voting machine. There shall be provided by the county board of elections to each precinct the original registration form of each voter entitled to vote in that precinct. This form shall be for comparative signature purposes.

(2) If supplemental paper ballots are used, as provided in KRS 118.215, after voting on the voting machine the voter shall take the supplemental paper ballot with the stub intact and retire alone to the voting booth provided for voting paper ballots. After voting the supplemental paper ballot, the voter shall remove the numbered stub, hand the stub to an election official and deposit the voted ballot in the locked ballot box.

Section 562. KRS 118.995 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 118.136 shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500), or confined in the county jail for not less than thirty (30) days nor more than ninety (90) days, or both.

(2) If the secretary of state violates any of the provisions of subsection *(4)* [(2)] of KRS 118.215 he shall be confined in the penitentiary for not less than one (1) year nor more than three (3) years.

(3) Any person who violates subsection (5) of KRS 118.176 shall be fined not less than twenty dollars ($20.00) nor more than five hundred dollars ($500) or imprisoned in the county jail for not less than one (1) month nor more than six (6) months, or both, and may also be proceeded against for contempt.

(4) If any county clerk violates any of the provisions of subsection (4) of KRS 118.305, or if the secretary of state violates any of the provisions of subsection (2) of KRS 118.395 he shall be confined in the penitentiary for not less than one (1) year nor more than three (3) years.

Section 563. KRS 132.620 is amended to read as follows:

(1) The department of revenue shall recover from any property valuation administrator all compensation paid to him for assessments that were unauthorized or excessive when and to the extent it is determined by a final order of the board of *assessment appeals* [supervisors], Kentucky board of tax appeals, or a court of competent jurisdiction that such assessments were unauthorized or excessive. Whenever the property valuation administrator fails to render the services required of him or he performs any of his duties in such a manner as to fail to comply substantially with the requirements of the law, he shall be required to pay a sum that will reasonably compensate the commonwealth of Kentucky for its costs in rendering the duties required to be performed by the property valuation administrator. The department of revenue shall notify the property valuation administrator by registered mail or by certified mail, return receipt requested of any amount charged to be due under this section and a statement of the reasons therefor. The property valuation administrator shall be entitled to a hearing before the Kentucky board of tax appeals, and an appeal may be taken from the final action of the Kentucky board of tax appeals to the courts as provided by law.

(2) Any sum that may become due from any property valuation administrator by reason of this section may be deducted from any amount that the commonwealth of Kentucky may become obliged to pay such property valuation administrator, or it may be collected from the bondsman of the property valuation administrator.

Section 564. KRS 138.665 is amended to read as follows:

(1) A license shall be required of each motor carrier or heavy equipment motor carrier before he uses or continues to use gasoline or special fuels on the public highways of this state, except the department may issue a trip permit for each motor vehicle for a fee of ten dollars ($10.00) for each permit.

(2) Application for a license or trip permit shall be made to the department and shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, the motor carrier or heavy equipment motor carrier shall file with the department a bond as required under KRS 138.670. No license shall be issued to any person unless such person has furnished a bond as provided in KRS 138.670 to secure payment of taxes, penalties and interest imposed by KRS 138.655 to 138.725.

(4) The application in proper form having been accepted for filing, the bond having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue a license. However, if an application for a license is filed by any person whose license has at any time previously been revoked for cause by the department, or if the department is of the opinion that the person who makes the application *does so* as a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not sufficient cause, the department may, after a hearing of which the applicant shall be given ten (10) days' notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise canceled.

(6) A license shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof.

(8) Each holder of such license shall display such license number or other identification in the manner prescribed by the department.

Section 565. KRS 148.171 is amended to read as follows:

(1) In enacting a parks establishment aid law, it is the intention of the general assembly to supplement local efforts to establish park and recreational facilities. The inadequacy of present facilities and the high cost of acquisition and establishment of park recreational facilities are hereby declared to be matters of public interest and concern and vital to the promotion of the health, welfare and prosperity of the inhabitants of the commonwealth.

(2) The department of parks may, when the commissioner determines that a proposed project would serve the public interest, use its funds to aid local governmental units in their acquisition and establishment of local parks and recreational facilities [.] provided, that local governmental units must provide matching funds for the project. [and] The department of parks may grant an amount up to $25,000 for any one (1) project, which amount shall not exceed fifty per cent (50%) of the cost of the entire project. For the purposes of this section, local governmental units shall mean county governments and governments of cities of any class. Title to parks and recreational facilities acquired by the use of funds authorized by this section shall vest in the local governmental unit which proposed the project and provided the matching funds.

(3) The commissioner may prescribe standards for determining the amounts to be granted for local projects and such regulations as may be necessary to implement the provisions of this section. Funds granted by the department shall be spent by the local governing authorities only for the acquisition and establishment of parks and recreational facilities and shall not be used for operating or maintenance expenses.

Section 566. KRS 152.020 is amended to read as follows:

(1) There is hereby created an agency of the state government to be known as the department of commerce, which shall constitute a department of the state government within the meaning of KRS chapter 12. The department shall consist of a commissioner and such administrative bodies and employes as are provided by law.

(2) The department, subject to the provisions of KRS 12.010 to *12.141* [12.190], shall be organized into a division devoted to industrial development, a business development division, a division devoted to research and planning, a division devoted to community services, a division devoted to commercial development, a division devoted to development of minority business enterprise, a division devoted to international trade and reverse investment and such other divisions and sections as are from time to time deemed necessary for the proper and efficient operation of the department.

(3) The executive officer of the department shall be the commissioner of the department of commerce. The commissioner shall be appointed by the governor and shall serve at the pleasure of the governor. The commissioner shall have general supervision and direction over all activities and functions of the department and its employes, and shall be responsible for carrying out the programs and policies of the department. The commissioner shall be the chief executive officer of the department and, as such, shall have authority to enter into contracts, subject to the approval of the secretary of the development cabinet and the commissioner of the executive department for finance and administration, when such contracts are deemed necessary to implement and carry out the program of the department.

Section 567. KRS 156.030 is amended to read as follows:

There shall be a state board of education composed of seven (7) lay members. The board shall elect a chairman from among its members at its first regular meeting in each fiscal year. Beginning with 1940 the governor shall appoint two (2) members every year for a term of four (4) years to take the place of the members appointed under the provisions of chapter 65 of the Acts of 1934 whose terms expire that year, except that every fourth year the governor shall appoint one (1) member for a term of four (4) years to take the place of the member whose term expires that year. The term of each member of the board shall begin on July 1 in the year in which the member is appointed. In the case of a vacancy the governor shall fill the vacancy for the unexpired term. Members appointed to take the place of members whose terms expire after January 6, 1964 shall be appointed from the districts established by KRS *21A.010* [21.020] in the numerical order of the districts. The board shall be a corporation by the name of the Kentucky state board of education, with the usual corporate powers.

Section 568. KRS 160.220 is amended to read as follows:

All elections for members of boards of education shall be by secret ballot. The county clerk shall cause to be printed on the ballot, labels and special ballots the names of legally eligible candidates who have filed a petition as provided in KRS *118.315* [119.320].

Section 569. KRS 163.038 is amended to read as follows:

(1) There is hereby created a public corporation to be known as computer services for the blind corporation. This corporation shall have the power to sue and be sued, to contract and to be contracted with.

(2) The computer services for the blind corporation shall have a governing board of directors consisting of nine (9) members. These members shall be selected as follows: The *executive* director of the *bureau* [division of services] for the blind, *within the* [bureau of rehabilitation services, department of] education *and arts cabinet* and one (1) member selected by him; the superintendent of the Kentucky school for the blind and one (1) member selected by him; the director of Kentucky industries *for the blind* and *the director of the* rehabilitation center for the blind [and one (1) member selected by him]; three (3) additional members shall be appointed by the governor from a list of nine (9) nominees made by the other six (6) board members. These nominees must either represent higher education or have expertise in the field of computer services. The three (3) members selected by the superintendent and the directors must be legally blind.

(3) On July 1, 1972, the board of directors is authorized to organize as follows: The three (3) members of the board selected by the superintendent and the directors shall have terms of two (2) years, three (3) years and four (4) years each, to be determined by lot. After the governor has appointed the three (3) other members to the board, their terms shall likewise be for two (2) years, three (3) years and four (4) years as determined by lot. After the expiration of the original terms, all subsequent terms shall be for four (4) years. After the initial appointment by the governor from the list of nine (9) nominees, all subsequent appointments for one (1)

membership shall be made from a list of three (3) nominees.

(a) It shall be necessary for five (5) members of the board to be present to constitute a quorum.

(b) The board shall provide for the keeping of minutes of all board meetings and shall otherwise keep records of all actions taken by the board or by any other of the board's employes or agents.

(c) Each board member shall receive his necessary traveling and other expenses in attending board meetings or otherwise conducting the board's business.

(d) The board shall meet at least two (2) times per year, but the chairman or any three (3) members of the board may call a meeting in writing with at least five (5) days' notice.

(4) The purpose of the computer services for the blind corporation shall be to make available computer services to the blind of Kentucky.

(5) The board of directors may employ such persons as may be necessary to carry out the purposes of this section.

(6) The board of directors shall have the power to purchase, lease, rent or sell any personal or real property as may be necessary in carrying out the functions of this section. The board shall also have the power to accept gifts and donations.

(7) The board of directors may provide that recipients of services provided by the corporation must pay a portion of all of the costs of providing such services. The board may adopt regulations establishing internal procedures without holding a public hearing.

(8) The services provided by computer services for the blind corporation shall be available to any blind person whether directly paid for by him or by any corporation, business, governmental agency or charitable organization.

(9) For the purpose of this section, blind means a visual acuity of 20/200 in the better eye with correction or a restriction in the visual field so that vision does not subtend an angle greater than 20 in the better eye with correction.

Section 570. KRS 177.960 is amended to read as follows:

(1) There is hereby created an energy road fund, hereinafter referred to as the "fund", in the state treasury to be administered by the department of transportation. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used for the construction of public roads or for any other activities administered by the department of transportation including the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge only in "coal producing counties" as defined in subsection (3) of this section.

(3) As used in this section, "coal producing county" shall mean a county in which coal was severed within the meaning of Chapter *143* [142] of the Kentucky Revised Statutes and upon which severance the tax applicable thereto was reported and remitted prior to January 1, 1976.

(4) By August 15, 1976 for fiscal year 1976-77, and by August 15, 1977 for fiscal year 1977-78, the commissioner of the executive department for finance and administration shall notify the secretary of the department of transportation and the fiscal court of each coal producing county of the total amount in the fund available for expenditure within each such county, which shall be calculated for each fiscal year of the biennium by multiplying the total amount appropriated to or otherwise received by the fund by a fraction the numerator of which shall be the total tons of coal severed in each coal producing county and the denominator of which shall be the total tons of coal severed in all coal producing counties during the fiscal year next preceding that for which allocations of the fund are made.

(5) Any balance remaining in the fund at the close of the fiscal year 1976-77 shall not lapse, but shall continue into fiscal year 1977-78.

(6) Within thirty (30) days thereafter the bureau of highways shall consult with the fiscal courts of each coal producing county for the purpose of receiving recommendations from said fiscal courts for the selection of public roads, highways, streets and bridges for construction, reconstruction, repair and maintenance as provided in KRS 177.330, 177.340 and 177.350, provided, however, that nothing herein shall be construed to limit expenditures from the fund upon secondary and rural roads.

Section 571. KRS 198A.030 is amended to read as follows:

(1) There is hereby created and established an independent, de jure municipal corporation and political subdivision of the Commonwealth of Kentucky which shall be a public body corporate and politic to be known as the Kentucky housing corporation.

(2) The Kentucky housing corporation is created and established as a de jure municipal corporation and political subdivision of the Commonwealth of Kentucky to perform essential governmental and public functions and purposes in improving and otherwise promoting the health and general welfare of the people by the production of residential housing in Kentucky.

(3) The housing corporation shall be governed by a board of directors, consisting of thirteen (13) members, five (5) of whom shall be the commissioner of the executive department for finance and administration, the director of the office for local government, the commissioner of revenue, the attorney general, and the commissioner of commerce, or their duly appointed designees, as public directors, and eight (8) of whom shall be chosen from the general public residing in the Commonwealth, as private directors.

(4) Upon organization of the housing corporation, the governor shall appoint the eight (8) private directors to take office and to exercise all powers thereof immediately. Of the eight (8) members of the corporation thus appointed, two (2) shall continue in office for terms of one (1) year, and two (2) for terms of two (2) *years, two (2) for terms of* three (3) *years* and *two (2) for terms of* four (4) years respectively as the governor shall designate; at the expiration of said terms and for all succeeding terms, the governor shall appoint a successor to the office of private director for a term of four (4) years in each case.

(5) In case of a vacancy, the governor may appoint a person for such a vacancy to hold office during the remainder of the term.

(6) The governor may remove any private director whom he may appoint in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and may appoint a person for such vacancy as provided in other cases of vacancy.

(7) The governor shall designate a member of the corporation to serve as chairman. The term of the chairman shall extend to the earlier of either the date of expiration of his then current term as a member of the corporation or a date six (6) months after the expiration of the then current term of the governor designating such chairman.

(8) The corporation shall annually elect one (1) of its members as vice chairman. The corporation shall also elect or appoint, and prescribe the duties of, such other officers as the corporation deems necessary or advisable, including an executive director and a secretary, and the corporation shall fix the compensation of such officers.

(9) The executive director shall administer, manage and direct the affairs and business of the corporation, subject to the policies, control and direction of the members of the corporation. The secretary of the corporation shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents and papers filed with the corporation, the minute book or journal of the corporation and its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the corporation and to give certificates under the official seal of the corporation to the effect that such copies are true copies, and all persons dealing with the corporation may rely upon such certificates.

(10) A majority of the board of directors of the corporation shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies.

(11) Action shall be taken by the corporation upon a vote of a majority of the members present at a meeting called upon three (3) days' written notice to each director or upon the concurrence of at least seven (7) directors.

(12) Directors shall receive no compensation for their services but shall be entitled to their reasonable and necessary expenses actually incurred in discharging their duties under this chapter.

Section 572. KRS 224.237 is amended to read as follows:

All money paid to the state treasurer for licenses and fees required by KRS *224.223* [224.220] to 224.237 shall be for the sole use of the department and shall be in addition to any moneys appropriated by the general assembly for the use of the department.

Section 573. KRS 224.992 is amended to read as follows:

Any person who shall violate or refuse to comply with any of the provisions of KRS *224.223* [224.220] to 224.237 shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) and when such violation is of a continuing nature, each day upon which a violation occurs shall be deemed a separate offense.

Section 574. KRS 268.290 is amended to read as follows:

(1) When the hearing is completed, the board shall determine the correctness of the classification and assessment of benefits to each piece of property involved. If no objections are raised to the report of the appraisers, the report shall be considered *correct* in all respects.

(2) If it appears to the board, after having heard all objections, that the estimated cost of the construction of the proposed improvement contemplated in the plan of reclamation is less than the benefits properly assessed against the property, the board shall then approve and confirm the report of the appraisers as to the classification and assessment of benefits as amended or modified by the board. If it appears to the board that the cost exceeds the benefit accruing to the property in the district, the board shall abandon the proposed improvement.

(3) The board shall state its findings and enter it along with an order approving or disapproving the proposed improvement, and file the same with the secretary of the board, who shall note upon the order the date of its filing.

(4) After the report of the appraisers has been filed, if the owners of seventy-five per cent (75%) of the land in the district, or any part of it which is practically separated from the rest, file a petition with the board stating that they desire to abandon the proposed improvement, the board shall abandon it at the cost of the landowners.

(5) Any person may appeal to the circuit court within thirty (30) days from the filing of the order of the board. The trial in circuit court shall be de novo.

Section 575. KRS 271A.565 is amended to read as follows:

(1) The registered agent so appointed by a foreign corporation authorized to transact business in this state shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

(2) Whenever a foreign corporation authorized to transact business in this state shall fail to appoint or maintain a registered agent in this state, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, or whenever the certificate of authority of a foreign corporation shall be suspended or revoked, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice or demand shall be made by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, he shall immediately cause one of such copies thereof to be forwarded by registered mail, *or certified mail pursuant to KRS 12.141,* addressed to the corporation at its principal office in the state or country under the laws of which it is incorporated. Service on the corporation shall be deemed to have been made on the tenth day after the day when the process, notice or demand is served on the secretary of state in accordance with this section.

(3) The secretary of state shall keep a record of all processes, notices and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

(4) Nothing herein contained shall limit or affect the right to serve any process, notice or demand, required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

Section 576. KRS 273.383 is amended to read as follows:

The provisions of KRS *271A.705* [271.145] shall apply to all corporations and foreign corporations doing business in this state.

Section 577. KRS 344.150 is amended to read as follows:

There is hereby created a commission on human rights. The commission shall consist of eleven (11) members, one (1) to be appointed from each congressional district and *four (4)* [three (3)] from the state at large. The governor shall appoint all members, and shall name one (1) member as chairman. Of the eleven (11) members first appointed, three (3) shall serve for one (1) year, four (4) for two (2) years and four (4) for three (3) years. Thereafter all members of the commission shall be appointed for three (3) years, and shall continue to serve until reappointed or replaced. In the event of the death or resignation of a member, his successor shall be appointed to serve the unexpired term for which such member had been appointed.

Section 578. KRS 268.370 is amended to read as follows:

(1) The board of drainage commissioners may, if in their judgment it seems best, issue bonds on behalf of any district under their control, not to exceed ninety per cent (90%) of the total amount of the minimum district assessments levied upon the property of the district approved by the *county* judge*/executive*. The bonds shall be in denominations of not less than one hundred dollars ($100), bearing interest payable annually from the date of issue at a rate not to exceed six per cent (6%) per annum, to mature at annual intervals within thirty (30) years, commencing after a period of years not later than five (5) years, to be determined by the board. Both principal and interest shall be payable at some convenient bank or trust company's office, to be named in the bonds. The bonds shall be signed by the president of the board, attested with the seal of the board and the signature of the secretary and countersigned by the clerk of the county court of the county in which the district is organized. All bonds shall be executed and delivered to the treasurer of the district, who shall sell them in such quantities and at such dates as the board considers necessary. The funds derived from the sale of bonds shall be used only to pay the cost of improvements and the expenses, fees and salaries authorized by law. The secretary of the board shall certify to the clerk of the county court in which the district was organized a copy of the resolution authorizing and directing the issuance of the bonds, which shall contain a list of the bonds, their dates of maturity and amounts. The clerk shall record this resolution in the lis

pendens record in his office. Bonds shall not be sold for less than their par or face value at the date of issue. They shall show on their face the purpose for which they are issued.

(2) The bonds shall be payable out of money derived from the assessments upon property, and a sufficient amount of the drainage assessment shall be appropriated by the board to pay the principal and interest. This sum shall be preserved in a separate fund for that purpose. All bonds and coupons not paid at maturity shall bear interest at the rate of six per cent (6%) per annum from maturity until paid, or until sufficient funds for their payment have been deposited at the place of payment, and this interest shall be appropriated by the board out of the penalties and interest collected on assessments or any other available funds of the district. The board, in making the annual levy of assessments, shall take into account the maturing bonds and interest on all bonds and make ample provisions in advance for their payment. If the proceeds of the original levy of assessments are not sufficient to pay the principal and interest of all bonds issued, the board shall make any additional levy upon benefits assessed necessary for this purpose. However, no levy of assessments shall be made in excess of the benefits to the property as shown by the report of the appraisers, as corrected, that will in any manner impair the security of bonds or the fund available for the payment of the principal or interest.

(3) When he receives the bonds the treasurer shall execute and deliver to the president of the board a bond with good and sufficient sureties, to be approved by the board, conditioned that he shall account for and pay over as required by law and as ordered to do by the board all money received by him on the sale of any bonds, and that he will only sell and deliver such bonds to the purchaser thereof according to the terms of this section, and that he will return, duly canceled, any bonds not sold to the board when ordered by it to do so. This bond shall remain in the custody of the president of the board, who shall produce it for inspection or as evidence whenever legally required to do so. The bond of the treasurer may, if the board directs, be signed by a surety or bonding company, which may be approved by the board. The successor in office of any treasurer shall comply with all provisions applicable to his predecessor before receiving bonds or their proceeds. The treasurer shall promptly report all sales of bonds to the board.

(4) The board shall, at reasonable times thereafter, prepare and issue warrants for the payment of the maturing bonds so sold and the interest payments coming due on all bonds sold. Each warrant shall specify what bonds and accruing interest it is to pay, and the treasurer shall place sufficient funds at the place of payment to pay the maturing bonds and coupons when due, as well as a reasonable compensation to the bank or trust company for paying them, not to exceed two dollars and fifty cents ($2.50) for each one thousand dollars ($1,000) par value of bonds or coupons paid.

Section 579. KRS 15.765 is amended to read as follows:

(1) Each county attorney shall receive, for prosecutorial duties, an annual salary to be paid out of the state treasury which shall be the total compensation as county attorney which he received during the calendar year 1976, but which shall in no event be less than $7,200.

(2) Each county attorney shall be paid each month the sum of two hundred fifty dollars ($250), which sum is declared to be the equivalent of the minimum sum that each county attorney will expend each month in the performance of his official duties directed to be performed for the Commonwealth. The aforementioned sum shall be paid out of the state treasury.

(3) In order to equate the compensation of county attorneys with the purchasing power of the dollar, the *executive* department *for finance and administration* [of commerce] shall compute by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with Section 246 of the Constitution of Kentucky which provides that the above elected officials shall be paid at a rate no greater than $12,000 per annum. The *executive* department *for finance and administration* [of commerce] shall notify the appropriate governing bodies charged by law to fix the compensation of the above elected officials of the annual rate of compensation to which the elected officials are entitled pursuant to the increase or decrease in the consumer price index. Upon notification from the *executive* department *finance and administration* [of commerce], the appropriate governing body may set the annual compensation of the above elected officials at a rate no greater than that stipulated by the *executive* department *for finance and administration* [of commerce].

(4) The county attorney shall not be prohibited from engaging in the private practice of law.

Section 580. KRS 15.755 is amended to read as follows:

(1) The compensation of each commonwealth's attorney shall be paid out of the state treasury.

(2) The compensation of the staff of each commonwealth's attorney shall be paid out of the state treasury.

(3) In each judicial circuit containing a city of the first or second class or an urban-county government, the commonwealth's attorney shall not engage in the private practice of law. All other commonwealth's attorneys shall not be prohibited from engaging in the private practice of law.

(4) Each commonwealth's attorney who is prohibited from engaging in the private practice of law, shall receive as compensation for his services the sum of twenty-six thousand dollars ($26,000) per annum.

(5) Each commonwealth's attorney who is not prohibited from engaging in the private practice of law shall receive as compensation for his services the sum of fourteen thousand three hundred dollars ($14,300) per annum.

(6) Each commonwealth's attorney of the state shall be paid each month the sum of five hundred dollars ($500), which sum is declared to be the equivalent of the minimum sum that each commonwealth's attorney will expend each month in the performance of his official duties directed to be performed for the Commonwealth. The aforementioned sum shall be paid out of the state treasury.

(7) In order to equate the compensation of commonwealth's attorneys with the purchasing power of the dollar, the *executive* department *for finance and administration* [of commerce] shall compute by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with Section 246 of the Constitution of Kentucky which provides that the above elected officials shall be paid at a rate no greater than twelve thousand dollars ($12,000) per annum. The *executive* department *for finance and administration* [of commerce] shall notify the appropriate governing bodies charged by law to fix the compensation of the above elected officials of the annual rate of compensation to which the elected officials are entitled pursuant to the increase or decrease in the consumer price index. Upon notification from the *executive* department *finance and administration* [of commerce], the appropriate governing body may set the annual compensation of the above elected officials at a rate no greater than that stipulated by the *executive* department *for finance and administration* [of commerce].

Section 581. KRS 64.480 is amended to read as follows:

(1) Effective, with respect to the offices of governor on December 4, 1979, and the lieutenant governor on the fifth Tuesday following the regular November election in 1975 and with respect to the other offices named in this section, on the first Monday in January, 1976, the compensation of the following named officers, payable monthly out of the state treasury, shall be the sum per annum designated for the respective offices, as follows: governor $39,500; lieutenant governor, an amount sufficient, when added to any per diem received during sessions of the general assembly while serving in the capacity of president of the senate, to equal $27,900 per annum, plus any compensation received while acting in the place of the governor; attorney general superintendent of public instruction, commissioner of agriculture, secretary of state, state treasurer, auditor of public accounts, and clerk of the Supreme Court of Kentucky elected in November, 1975, as clerk of the Court of Appeals $27,900.

(2) In order to equate or adjust the compensation of the lieutenant governor, attorney general, superintendent of public instruction, commissioner of agriculture, secretary of state, state treasurer, auditor of public accounts, and clerk of the Supreme Court of Kentucky with the purchasing power of the 1949 dollar, the *executive* department *for finance and administration* [of commerce] of Kentucky shall compute by the second Friday in February of every year, beginning in 1977, the maximum permissible compensation of the officials mentioned in subsection (2) hereof based precisely uypon the consumer price index formula approved in Matthews v. Allen, Kentucky, 360 S.W. 2d 135 (1962). Thus the maximum permissible compensation effective for the entire year of 1977 and subsequent years will be the actual compensation to be paid said officials. The year of adjustment will be the particular full calendar year involved.

(3) It is the intention of the legislature that the constitutionally permissible adjustment of salaries of these officials be framed around equating current salaries with the purchasing power of the dollar in 1949 when section 246 of the Kentucky Constitution was amended. Section 246 of the Constitution, as amended, established a monetary level of $12,000 per annum for said officials. The formula merely effects an adjustment of the constitutional monetary level in terms of the current consumer price index.

Section 582. KRS 64.527 is amended to read as follows:

In order to equate the compensation of county judges, county clerks, sheriffs, justices of the peace, county commissioners, coroners and jailers with the purchasing power of the dollar, the *executive* department *for finance and administration* [of commerce] shall compute by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with Section 246 of the Constitution of Kentucky which provides that the above elected officials shall be paid at a rate no greater than $7,200 per annum. The *executive* department *for finance and administration* [of commerce] shall notify the appropriate governing bodies charged by law to fix the compensation of the above elected officials of the annual rate of compensation to which the elected officials are entitled pursuant to the increase or decrease in the consumer price index. Upon notification from the *executive* department *for finance and administration* [of commerce], the appropriate governing body may set the annual compensation of the above elected officials at a rate no greater than that stipulated by the *executive* department *for finance and administration* [of commerce].

Section 583. KRS 417.030 is amended to read as follows:
The arbitrators shall meet at a time and place to be fixed by themselves, of which reasonable notice in writing shall be given to each party. Each arbitrator shall take an oath to fairly and impartially decide the controversy according to law, justice and the equity of the whole case. If they select an umpire, he shall be sworn in like manner. They shall hear all testimony offered by either party relative to the matters in controversy, and may summon witnesses and compel their attendance and punish for contempt by fine or imprisonment as *district court judges* [justices of the peace] may do. They may administer oaths to parties and witnesses and preserve order and decorum while engaged in the determination of the controversy.

Section 584. KRS 152.110, 152.115, 152.120, 152.125, 152.130, 152.140, 152.150, 152.170, 152.180, 199.840, 222.033 and 453.030 are repealed.

The Committee Amendment to **HB 607** is as follows:

Amend printed copy of **HB 607,** page 44, line 21, by inserting "*and*" before "four" and deleting "*and*" before "one"; and

on line 21, by inserting a bracket before "one"; and

on line 22, by deleting "/*executive*" and the bracket before "and"; and

on page 116, line 1, by inserting after "education" the following: "*for exceptional children*"; and

on line 6, by inserting after "cation" the following: "*for exceptional children*"; and

on page 124, lines 6 through 17, by deleting said lines in their entirety; and

on page 828, line 20, by inserting after "222.033" the following: ", 27A.140".

The Committee on Judiciary-Statutes reported **HB 107** with Committee Substitute attached thereto, **HB 347** with Committee Amendment attached thereto, **HB 611, HB 698, HB 713,** and **HB 750** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 107, AN ACT relating to the repurchase of stock and equipment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:
For the purpose of this Act the following words and phrases have the following meanings unless the context otherwise requires:

(1) "Current model" means a model listed in the wholesaler's, manufacturer's or distributor's current sales manual or any supplements thereto;

(2) "Current net price" means the price listed in the wholesaler's, manufacturer's or distributor's price list or catalogue in effect at the time the contract is cancelled or discontinued, less any applicable trade and cash discounts;

(3) "Retailer" means any person, firm or corporation engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachments or repair parts, but shall not include retailers of petroleum and motor vehicle and related automotive care and replacement products normally sold by such retailers and shall not include retailers of yard and garden equipment not primarily engaged in the farm equipment business;

(4) "Inventory" means farm implements, machinery, utility and industrial equipment, attachments and repair parts; and

(5) "Net cost" means the price the retailer paid for the merchandise to the wholesaler, manufacturer or distributor, less all applicable discounts allowed.

SECTION 2. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:
Whenever any retailer enters into a franchise agreement, evidenced by a written contract, with a wholesaler, manufacturer or distributor wherein the retailer agrees to maintain an inventory and the contract

is terminated, then the wholesaler, manufacturer or distributor shall repurchase the inventory as provided in this Act. The retailer may keep the inventory if he desires. If the retailer has any outstanding debts to the wholesaler, manufacturer or distributor, then the repurchase amount may be credited to the retailer's account.

SECTION 3. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

The wholesaler, manufacturer or distributor shall repurchase that inventory previously purchased from him and held by the retailer on the date of termination of the contract. The wholesaler, manufacturer or distributor shall pay one hundred percent (100%) of the current new cost of all new, unsold, undamaged and complete farm implements, machinery, utility and industrial equipment, and attachments and one hundred percent (100%) of the current net cost of all new, unused and undamaged repair parts. The wholesaler, manufacturer or distributor shall pay the retailer five percent (5%) of the current net price on all new, unused and undamaged repair parts returned to cover the cost of handling, packing and loading. The wholesaler, manufacturer or distributor shall have the option of performing the handling, packing and loading in lieu of paying the five percent (5%) for these services.

SECTION 4. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

Upon payment of the repurchase amount to the retailer, the title and right of possession to the repurchased inventory shall transfer to the wholesaler, manufacturer or distributor.

SECTION 5. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

The provisions of this Act shall not require the repurchase from a retailer of:

(1) Any repair part which has a limited storage life or is otherwise subject to deterioration, such as rubber items, gaskets or batteries;

(2) Any repair part which is in a broken or damaged package;

(3) Any single repair part which is priced as a set of two (2) or more items;

(4) Any repair part which because of its condition is not resalable as a new part without repackaging or reconditioning;

(5) Any inventory for which the retailer is unable to furnish evidence, satisfactory to the wholesaler, manufacturer or distributor, of clear title, free and clear of all claims, liens and encumbrances;

(6) Any inventory which the retailer desires to keep, provided the retailer has a contractual right to do so;

(7) Any farm implements, machinery, utility and industrial equipment and attachments which are not current models or which are not in new, unused, undamaged, complete condition;

(8) Any repair parts which are not in new, unused, undamaged condition;

(9) Any farm implements, machinery, utility and industrial equipment, or attachments which were purchased twenty-four (24) months or more prior to notice of termination of the contract;

(10) Any inventory which was ordered by the retailer on or after the date of notification of termination of the contract;or

(11) Any inventory which was acquired by the retailer from any source other than the wholesaler, manufacturer or distributor.

SECTION 6. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

If any wholesaler, manufacturer or distributor shall fail or refuse to repurchase any inventory covered under the provisions of this Act within sixty (60) days after shipment of such inventory, he shall be civilly liable for one hundred percent (100%) of the current net price of the inventory, plus any freight charges paid by the retailer, the retailer's attorney's fees, court costs and interest on the current net price computed at the legal interest rate from the sixty-first (61st) day after shipment.

SECTION 7. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

In the event of the death of the retailer or the majority stockholder of a corporation operating as a retailer, the wholesaler, manufacturer or distributor shall, at the option of any of the heirs, repurchase the inventory from the heirs of the retailer or majority stockholder as if the wholesaler, manufacturer or distributor had terminated the contract. The heirs shall have one (1) year from the date of the death of the retailer or majority stockholder to exercise their options under this Act. Nothing in this Act shall require the repurchase of any inventory if the heirs and wholesalers, manufacturer or distributor enter into a new contract to operate the retail dealership.

SECTION 8. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

The provisions of this Act shall not be construed to affect in any way any security interest which the wholesaler, manufacturer or distributor may have in the inventory of the retailer, and any repurchase hereunder shall not be subject to the provisions of the bulk sales law. The retailer, wholesaler, manufacturer or distributor may furnish a representative to inspect all parts and certify their acceptability when packed for shipment.

SECTION 9. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:
The provisions of this Act shall apply to all contracts now in effect which have no expiration date and are a continuing contract and all other contracts entered into or renewed after the effective date of this Act. Any contract in force and effect on the effective date of this Act which by its own terms will terminate on a date subsequent thereto shall be governed by the law as it existed prior to this Act. The provisions of this Act shall apply only to inventory purchased after the effective date of this Act.

The Committee Substitute to **HB 107** is as follows:

HB 107, AN ACT relating to the repurchase of stock and equipment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:
For the purpose of this Act the following words and phrases have the following meanings unless the context otherwise requires:
(1) "Retailer" means any person, firm or corporation engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachments or repair parts, but shall not include retailers of petroleum and motor vehicle and related automotive care and replacement products normally sold by such retailers and shall not include retailers of yard and garden equipment not primarily engaged in the farm equipment business;
(2) "Inventory" means farm implements, machinery, utility and industrial equipment, attachments and repair parts; and
(3) "Net cost" means the price the retailer paid for the merchandise to the wholesaler, manufacturer or distributor, less all applicable discounts allowed.

SECTION 2. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:
Whenever a retailer enters into a franchise agreement, evidenced by a written contract, wherein the retailer agrees to maintain an inventory, such contract shall contain a provision that if the contract is terminated, the wholesaler, manufacturer or distributor shall repurchase the inventory previously purchased from him and held by the retailer on the date of termination of the contract, for one hundred percent (100%) of the current net cost of all new, unsold, undamaged and complete farm implements, machinery, utility and industrial equipment, and attachments and one hundred percent (100%) of the current net cost of all new, unused and undamaged repair parts.

HB 347, AN ACT relating to use of physical force in law enforcement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 503.090 is amended to read as follows:
(1) The use of physical force by a defendant upon another person is justifiable when the defendant, acting under official authority, is making or assisting in making an arrest and he:
(a) Believes that such force is necessary to effect the arrest;
(b) Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested; and
(c) Believes the arrest to be lawful.
(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when:
(a) The defendant, in effecting the arrest, is authorized to act as a peace officer; and
(b) The arrest is for a felony, *except for an offense proscribed by chapter 514 when such does not create a situation constituting a threat of* [involving the use or threatened use of physical force likely to cause] death or serious physical injury; and
(c) The defendant believes that the person to be arrested is *dangerous to the physical well-being of the peace officer or other persons and immediate action is required* [likely to endanger human life unless apprehended without delay].

(3) The use of physical force, including deadly physical force, by a defendant upon another person is justifiable when the defendant is preventing the escape of an arrested person and when the force could justifiably have been used to effect the arrest under which the person is in custody, except that a guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be necessary to prevent the escape of a person from jail, prison, or other institution for the detention of persons charged with or convicted of a crime.

The Committee Amendment to **HB 347** is as follows:

Amend printed copy of **HB 347,** page 2, line 11, by inserting after the word "person" the following: "*or effectuating the arrest of a person whom he has probable cause to believe has committee a capital offense or a Class A or Class B felony*"; and

on line 11, by placing a " [" before the word "and"; and

on line 13, by placing a "]" after the word "custody".

HB 611, AN ACT relating to liens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 376.210 is amended to read as follows:

(1) Any person, firm or corporation who performs labor or furnishes materials or supplies for the construction, maintenance, or improvement of any canal, railroad, bridge, public highway or other public improvement in this state by contract, express or implied, with the owner thereof or by subcontract thereunder shall have a lien thereon, and upon all the property and the franchises of the owner, except property owned by the state, a subdivision or agency thereof, or by any county or city. If the property improved is owned by the state or by any subdivision or agency thereof, or by any county or city, the person furnishing the labor, materials or supplies shall have a lien on the funds due the contractor, *or from funds of the public agency which remain unexpended relative to that contract or project,* from the owner of the property improved. Except as provided in KRS 376.195, the lien shall be for the full contract price of the labor, materials and supplies furnished, and shall be superior to all other liens thereafter created.

(2) Any person undertaking or expecting to furnish labor, materials or supplies as provided in this section may acquire the lien herein provided by filing in the clerk's office of each county in which he has undertaken to furnish labor, materials or supplies, except as provided in subsection (3), a statement in writing that he has undertaken and expects to furnish labor, materials or supplies and the price at which they are to be furnished, and the lien for labor, material or supplies furnished thereafter shall relate back and take effect from the date of the filing of the statement. In all cases of original construction the liens shall be prior to all liens theretofore or thereafter created on the part so constructed and on no other part.

(3) In all cases where the labor, materials or supplies are furnished for the improvement of any public highway or other public property owned by the state or by any county or city, the statement shall be filed in the county clerk's office of the county in which is located the seat of government of the owner of the property improved, and the lien shall attach only to any unpaid balance due the contractor for the improvement from the time a copy of the statement, attested by the county clerk, is delivered to the owner or the owner's authorized agent with whom the contract for improving the public highway or other public property was made.

HB 698, AN ACT relating to mobile radios.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

(1) For the purposes of this section, the following words shall have the following meanings:

(a) "Scanner" means a radio receiver capable of receiving radio signals from UHF and VHF radio systems;

(b) "News media" means authorized employes of radio and television stations and newspapers.

(2) Notwithstanding the provisions of KRS 432.570, members of the news media are permitted to have scanners in their automobiles.

HB 713, AN ACT relating to attachments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 425 IS CREATED TO READ AS FOLLOWS:

(1) Upon filing of the complaint or at any time prior to judgment, the plaintiff may apply pursuant to this chapter for an order of attachment by filing a written motion for the order with the court in which the action is brought.

(2) The motion shall be executed under oath and shall include all of the following:

(a) The nature of the plaintiff's claim;

(b) That it is just;

(c) The sum which the plaintiff believes he ought to recover; and

(d) The existence of any of the grounds for an attachment set forth in KRS 425.301 or 425.306.

(3) The order of attachment shall be issued only after a hearing on the noticed motion by a judicial officer. The hearing shall be conducted pursuant to KRS 425.031.

(4) Not less than ten (10) days prior to the hearing required by subsection (3) of this section, the defendant shall be served with all of the following:

(a) A copy of the complaint;

(b) A notice of the hearing which specifies the time and place of the hearing; and

(c) A copy of the motion for an order of attachment.

(5) Service of the pleadings required by subsection (4) of this section shall be obtained by delivering such pleadings to the defendant or, if after diligent search, the defendant cannot be found, by sending them by certified mail, return receipt requested, to his last known place of residence. If personal service is not made, the person who attempted service on the defendant shall verify by affidavit filed with the court that a diligent search for the defendant was made and shall describe in the affidavit his efforts to serve the defendant.

SECTION 2. A NEW SECTION OF KRS CHAPTER 425 IS CREATED TO READ AS FOLLOWS:

(1) A judicial officer, except as otherwise provided by statute, may issue an ex parte order of attachment if it appears from facts shown by affidavit that great or irreparable injury would result to the plaintiff if issuance of the order were delayed until the matter could be heard on notice.

(2) The plaintiff's motion shall satisfy the requirements of Section 1 of this Act and in addition shall include a showing that great or irreparable injury would result to the plaintiff if issuance of the order were delayed until the matter could be heard on notice.

SECTION 3. A NEW SECTION OF KRS CHAPTER 425 IS CREATED TO READ AS FOLLOWS:

An order of attachment shall not be issued until a bond has been executed by one or more sufficient sureties of the plaintiff in an amount not less than double the amount of the plaintiff's claim.

Section 4. KRS 425.311, Execution of attachments, is repealed.

HB 750, AN ACT relating to the prevention and treatment of domestic violence and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

The general assembly hereby declares that many citizens of the Commonwealth are victims of domestic violence; that there is a present need to prevent such violence by working with state and private agencies, by educating the public about this problem, and by developing and providing innovative services, including but not limited to the provision of temporary emergency housing at shelter facilities, counseling, social services, medical care, legal assistance, financial assistance, vocational education and counseling, transportation services and day care services to the victims of such violence; and that it is in the public interest to do so.

SECTION 2. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

This Act shall be known and may be cited as the "Prevention and Treatment of Domestic Violence Act."

SECTION 3. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context otherwise requires:

(1)"Victim of domestic violence" shall include any person who suffers or has suffered physical abuse or the threat of physical abuse from a spouse.

(2) "Spouse" shall include any person to whom the victim is or was married or with whom the victim is or was cohabiting.

(3) "Commission" shall mean the governor's commission on domestic violence.

SECTION 4. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

(1) There is created the governor's commission on domestic violence. It shall be comprised of fifteen (15) members who shall represent private and public social service agencies, law enforcement agencies, and individuals who are presently, or have been in the past, victims or perpetrators of domestic violence. At least eight (8) of the members shall be victims or former victims of domestic violence. The members shall be selected so as to insure adequate representation of the predominantly rural areas of eastern and western Kentucky. All members shall be appointed by the governor and shall serve for a term of four (4) years.

(2) The commission shall meet at least once each quarter of the calendar year. Members of the commission shall be reimbursed for their travel, lodging, and meal expenses.

(3) The commission shall employ an executive director and such additional staff as shall be necessary to assist in carrying out the provisions of this Act. The executive director shall be responsible only to the commission in the carrying out of his duties under this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

The powers and responsibilities of the commission shall include, but not be limited to:

(1) The establishment of a centralized statewide system of shelter care facilities, through contracts or grants to nonprofit, private or public agencies or groups, and including the provision of technical assistance to applicants for such contracts or grants; provided, however, that if an insufficient number of agencies apply for funds from the commission, or if an insufficient number of applying agencies meet the standards set out herein, then the commission itself shall establish such shelter care facilities;

(2) The establishment of a statewide program for education of the public regarding the problem of domestic violence;

(3) The establishment of a system for collecting and analyzing data on domestic violence, such data to be presented in an annual report to the governor and to the public; and

(4) The establishment of an office for coordinating and insuring the availability to victims of existing services of all public and private agencies including law enforcement agencies and the judiciary, for the prevention and treatment of domestic violence.

SECTION 6. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

During the first year in which this Act is effective, at least six (6) new shelter care facilities shall be established, in addition to any facilities already existing as of the effective date of this Act; provided, however, that this provision shall not prevent the commission from also funding in part or in full any existing facilities. The commission shall also provide for the geographic distribution of these shelters insuring that the predominantly rural areas of Kentucky are provided with at least half of such new facilities.

SECTION 7. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

Any private or public nonprofit agency or group may apply to the commission for funding for a shelter care facility. The application shall be submitted in a form adopted by the commission, and shall include:

(1) Proposed eligibility standards for use of all shelter services,and priority shall be given to applications which provide:

(a) That shelter will be available to any person meeting the above definition of a victim of domestic violence and the victim's children;

(b) That such shelter will require no additional conditions for eligibility for the shelter's services; specifically, shelters shall not refuse assistance to any victim because of a legal relationship to the person perpetrating the violence or, because of the victim's failure to institute civil or criminal proceedings against that person;

(c) That shelters will not require a fee of any victim using the shelters; however, victims with the financial means may be encouraged to reimburse the shelters for the services provided;

(d) That shelters will not deny initial admission to any person who believes he is in immediate physical danger; specifically the opinion of any person on the shelter or referring agency's staff as the imminence of such danger shall not be determinative of initial admittance;

(e) That shelters shall not refuse entry to the facility to any victim because it is at maximum capacity unless a good faith effort has been made to secure alternative shelter; nor shall residents of the shelter be asked to terminate their stay until a good faith effort has been made to secure alternative shelter; however,it shall be the affirmative duty of all shelter staff and social services providers to seek permanent housing for shelter residents in order that the shelters continue to serve their primary purpose as "transitional" facilities;

(f) That the shelters will, to the greatest extent possible, make all services available to all victims, including victims not residing in the shelter;

(2) A proposal for the direct or indirect provision of emergency shelter services and support services for victims, and such services may include, but need not be limited to:

(a) Sleeping and eating facilities for the victim and the victim's children;

(b) Emergency medical care and legal assistance;

(c) Transportation services and driver's education;

(d) Counseling for the victim, the children of the victim and the abusing spouse; in providing such counseling shelters shall be encouraged to employ professionals, former victims, and former abusing spouses;

(e) Assistance and advocacy in securing the services of other social service and law enforcement agencies, and before the judiciary;

(f) Vocational counseling and training;

(g) Day care services for the children of victims;

(h) Assistance and advocacy in securing emergency funds from existing agencies and programs; provided, however, that if such funds are unobtainable for any reason shelters shall provide sufficient funds to meet short term emergency needs.

(3) A proposed budget;

(4) A proposal for cooperation with and use of local social service and law enforcement agencies and programs; and

(5) Any other content the commission may require.

SECTION 8. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

The commission shall establish a system for documenting the frequency and extent of incidents of domestic violence and the response of social services and law enforcement agencies to these incidents. Public social services and law enforcement agencies shall cooperate in this effort by submitting data in accordance with forms adopted by the commission to the designated official, and private social services agencies shall be encouraged to submit such data in the same form; provided, however, that such requirements shall not in any way abrogate the confidential relationship of the victim or abusing spouse with any social services of law enforcement agencies. The commission shall present annual reports of its findings to the governor and the public.

SECTION 9. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

Use by victims and their children of the services provided for in this Act shall not affect the eligibility of such victims for other state and federal assistance programs.

SECTION 10. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

The commission may seek and accept any funds which may be available from federal or other sources in order to augment state funds appropriated for the purposes of these programs and shall make every effort to qualify these programs for federal funding. Individual shelters may also seek and accept contributions and gifts from any other sources.

Section 11. The governor shall make his appointments to the commission within ninety (90) days of the effective date of this Act.

Section 12. The sum of one million dollars ($1,000,000) is hereby appropriated from the general fund of the state treasury for the biennium 1978-1980 for the funding of the commission. No more than fifteen percent (15%) of this appropriation shall be applied to the administrative expense of the commission.

The Committee Amendment to **HB 750** is as follows:

Amend printed copy of **HB 750,** page 2, line 18, by deleting "or perpetrators"; and

on line 24, by deleting "four (4)" and inserting in lieu thereof "two (2)"; and

on page 6, line 20, by deleting the comma and inserting in lieu thereof "and"; and

on line 21, by deleting ", and former abusing spouses".

Adjournment

Representative B. Richardson moved that the House adjourn until 2 p.m., Tuesday, March 7, 1978.

On the roll call the vote was yeas 19-Arnold, Bennett, Blythe, Boswell, Carpenter, DeFalaise, Dunn, Fitzgerald, Hancock, Head, Kenton, May, Pearman, Priddy, Riner, Schmidt, Van Horn, Weinberg, Wilborn. Nays 3-Guenthner, Imes, Kleier.

The motion to adjourn was adopted.

TUESDAY, MARCH 7, 1978

FIFTIETH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend James Craigmyle, First Baptist Church, Owenton, Kentucky.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 6, 1978, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 775, by Representative Blythe: AN ACT relating to school taxes.

HCR 114, by Representative Bendl: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the need to regulate travel agents and travel agencies.

HR 115, by Representatives Kenton, LeMaster, List, Beshear, Van Horn, and Trevey: A RESOLUTION to adjourn in honor of the University of Kentucky Wildcat football team.

Report on Enrolled Bills

HB 171, HB 201, HB 247, HB 280, HB 298, and **HB 369** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Banking and Insurance: **SB 229.**

Business Organizations and Professions: **SB 269, SB 314, HB 773, HB 774.**

Education: **SB 217, SB 219, SB 312, SB 339.**

Elections and Constitutional Amendments: **SB 350.**

Judiciary-Courts: **SB 344, SB 360.**

Judiciary-Statutes: **SB 119, SB 268, SB 270, SB 328.**

State Government: **SB 256, SB 258, SB 329, SCR 42, HCR 113.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Counties and Special Districts: **HB 701, SB 202.**

State Government: **SB 215.**

Public Utilities: **SB 279, HB 667.**

Appropriations and Revenue: **HB 415, SB 107, SB 223, SB 332, SB 348, SJR 5.**

Report of Committees

The Committee on Rules reported **HB 675, HB 497, HB 555, HB 617, HB 627, HB 717, HB 214, HB 229, HB 578, HB 625, HB 676, HB 727, HB 761, HB 686, HB 758, HB 216, HJR 38, HJR 86, HCR 88, HCR 87, HJR 78, HCR 73, HR 71,** HR 45, **SB 236, SB 98, SB 102, SB 115, SB 131, SB 149,** and **SB 185** have been posted for passage in Orders of the Day, March 8, 1978.

The Committee on Rules reported **HB 499, HB 419,** and **HR 43** have been recommitted to the Committee on State Government.

The Committee on Rules reported **SB 92** has been recommitted to the Committee on Banking and Insurance.

The Committee on Appropriations and Revenue reported **HB 339,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 339, AN ACT relating to property valuation administrators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.590 is amended to read as follows:

(1) The compensation of the property valuation administrator shall be *based on population* in accordance with the provisions of the following scale, which shall, in all respects, be equivalent to the grade classification for state employes as established by the department of personnel and subject to the provisions of subsection (4) of this section:

Population of a County	Grade
0 — 4,999	*13*
5,000— 6,999	*14*
7,000— 9,999	*15*
10,000— 10,999	*16*
11,000— 17,999	*17*
18,000— 31,999	*18*
32,000— 34,999	*19*
35,000— 149,999	*20*
150,000— 449,999	*21*
more than 500,000	*22*

Assessed Value of Property of:		Grade
At Least	But Less Than	Classification
$5,000,000,000	-	22
2,000,000,000	$5,000,000,000	21
500,000,000	2,000,000,000	20
400,000,000	500,000,000	19
250,000,000	400,000,000	18
125,000,000	250,000,000	17
100,000,000	125,000,000	16
75,000,000	100,000,000	15
50,000,000	75,000,000	14
35,000,000	50,000,000	13
-	35,000,000	12

Should a property valuation administrator for any reason vacate the office in any year during his term of office, he shall be paid only for the calendar days actually served during the year.

(2) The grade classification system provided in subsection (1) shall be determined on the basis of the total *population in a county according to the most recent federal census or the most recent final issue of current population reports issued by the United States bureau of the census, whichever is greater* [assessment of property subject to state tax as certified by the department of revenue, including the amount of assessment on which taxes are deferred under the provisions of the agricultural and horticultural land act, except that the amount of assessment of livestock and farm machinery shall be excluded in determining the grade classification].

(3) The provisions of this section shall *apply to property valuation administrators taking office in 1981 and thereafter, except that an incumbent property valuation administrator holding office in 1980 shall not be reduced in the grade held under the previous system for the term beginning in 1981 and consecutive terms of office* [be computed on the 1976 assessment and on each annual assessment thereafter].

(4) Each property valuation administrator shall upon taking office for the first time be placed in the first step in grade and shall annually, effective January 1 after serving no less than twelve months, be advanced one step in grade; except, that any person appointed or elected to fill a vacancy in the office of property valuation administrator shall be eligible for advancement one step in grade effective January 1 following completion of at least six months service. The department of revenue is authorized to make grade classification changes corresponding to any approved for department employes in comparable positions so long as such changes do not violate the integrity of the classification system and, except further, subject to availability of funds, that the department may extend cost-of-living increases approved for department employes to the property valuation administrators by advancement in grade.

(5) Deputy property valuation administrators and other authorized personnel likewise may be advanced one step in grade upon completion of twelve months continuous service and given such other benefits relating to reclassification of position or cost-of-living adjustments as are provided in subsection (4) for property valuation administrators.

(6) The property valuation administrator's office shall be allowed by the state as compensation for deputies, other authorized personnel, and for other authorized expenditures, one and one-quarter cents on each one hundred dollars of the property assessed, including the amount of assessment on which taxes are deferred under the agricultural and horticultural land act but exclusive of livestock and farm machinery, on the first two hundred fifty million dollars and one cent on each one hundred dollars of the property assessed over two hundred fifty million dollars; but the total sum allowed by the state to any property valuation administrator's office as compensation for deputies, other authorized personnel, and for other authorized expenditures shall not exceed the limits set forth in the following table:

Assessed Value of Property of:		
At Least	But Less Than	Limit
-	$ 300,000,000	$ 35,000
$ 300,000,000	500,000,000	50,000
500,000,000	2,000,000,000	100,000
2,000,000,000	-	The amount fixed by the department of revenue

However, each property valuation administrator's office shall be allowed as a minimum such funds that are required to meet the federal minimum wage requirements for one full time deputy. Each property valuation administrator shall submit each biennium to the department of revenue a budget for his office which shall be based upon the state, county and city funds available to his office and show the amount to be expended for deputy and other authorized personnel including employer's share of FICA and state retirement, and other authorized expenses of the office. Each property valuation administrator may appoint any persons approved by the department of revenue to assist him in the discharge of his duties. Each deputy must be more than twenty-one years of age and may be removed at the pleasure of the property valuation administrator. The salaries of deputies and other authorized personnel shall be fixed by the property valuation administrator in accordance with the grade classification system established by the department of revenue and shall be subject to the approval of the department of revenue. Any deputy property valuation administrator employed, or promoted to a higher position may be examined by the department of revenue in accordance with standards of the department of personnel, for the position to which he is being appointed or promoted. No state funds available to any property valuation administrator's office as compensation for deputies and other authorized personnel or for other authorized expenditures shall be paid without authorization of the department of revenue prior to the employment by the property valuation administrator of deputies or other authorized personnel or the incurring of other authorized expenditures.

(7) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the property valuation administrator as its cost for use of the assessment, as required by KRS 132.280 an amount determined as follows:

Assessment Subject to County Tax of:		
At Least	But Less Than	Amount
-	$100,000,000	$.005 for each $100 of the first $50,000,000 and $.002 for each $100 over $50,000,000.
$100,000,000	150,000,000	$.004 for each $100 of

		the first $100,000,000 and $.002 for each $100 over $100,000,000.
150,000,000	300,000,000	$.004 for each $100 of the first $150,000,000 and $.003 for each $100 over $150,000,000.
300,000,000	-	$.004 for each $100.

(8) The total sum to be paid by the fiscal court to any property valuation administrator's office under the provisions of subsection (7) of this section shall not exceed the limits set forth in the following table:

Assessed Value of Property Subject to County Tax of: At Least	But Less Than	Limit
-	$ 700,000,000	$ 25,000
$ 700,000,000	1,000,000,000	35,000
1,000,000,000	2,000,000,000	50,000
2,000,000,000	2,500,000,000	75,000
2,500,000,000	5,000,000,000	100,000
5,000,000,000	-	125,000

This allowance shall be based on the assessment as of the previous January 1 and shall be used for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the property valuation administrator and his deputies and other authorized personnel, and other authorized expenses of the office.

(9) Each property valuation administrator shall at the end of each month file a claim with the fiscal court for the salaries of his deputies, other personnel, and other expenses of his office incurred during the month which are payable from county funds. The court shall order payment made provided the total of all claims filed with the court does not exceed the total sum available under this section. The property valuation administrator shall maintain a payroll record of all employes compensated from local funds derived from any taxing jurisdiction, file such record with the department of revenue and pay all funds withheld from employes compensation for federal FICA taxes, federal income taxes, state income taxes, state employes retirement, and all other required deductions, by the fifth day following the end of each month. During county election years the property valuation administrator shall not be allowed to expend in excess of forty percent of the allowances available to his office from county funds during the first five months of the fiscal year in which the general election is held.

(10) Any county funds appropriated under the provisions of this section but unexpended by the close of each fiscal year for which such funds are appropriated shall carry over and be added to the amount required to be appropriated for the next fiscal year except that the department of revenue may release such funds or any part thereof that the department deems not necessary for operations of the property valuation administrator's office.

(11) The provisions of this section shall apply to urban-county governments. In an urban-county government, all the rights and obligations conferred on fiscal courts by the provisions of this section, shall be exercised by the urban-county government.

(12) When an urban-county form of government is established through merger of existing city and county governments as provided in KRS Chapter 67A, the annual county assessment shall be presumed to have been adopted as if the city had exercised the option to adopt as provided in KRS 132.285, and the annual amount to be appropriated to the property valuation administrator's office shall be the combined amount that is required of the county under this section and that required of the city under KRS 132.285, except that the total shall not exceed one hundred thousand dollars ($100,000) for any urban-county government with an assessment subject to county wide tax of less than three billion dollars ($3,000,000,000), one hundred twenty-five thousand dollars ($125,000) for an urban-county government with an assessment subject to county-wide tax between three billion dollars ($3,000,000,000) and five billion dollars ($5,000,000,000) and two hundred thousand dollars ($200,000) for an urban-county government with an assessment subject to county-wide tax in excess of five billion dollars ($5,000,000,000). For purposes of this subsection the amount to be considered as the assessment for purposes of KRS 132.285 shall be the amount subject to taxation for full urban services.

Section 2. This Act shall become effective December 1, 1981.

The Committee Substitute to **HB 339** is as follows:

HB 339, AN ACT relating to property valuation administrators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.590 is amended to read as follows:

(1) The compensation of the property valuation administrator shall be *based on (1) the area, (2) the population, and (3) the assessed value of property in the county* in accordance with the provisions of the following scale, *with one (1) point per each ten (10) square miles or fraction thereof of the area of the county; one (1) point per one thousand (1,000) population of the county; one (1) point per million dollars of assessment on the first one hundred (100) million and one-half (1/2) point per million dollars of assessment over one hundred (100) million* [which shall, in all respects, be equivalent to the grade classification for state employes as established by the department of personnel and subject to the provisions of subsection (4) of this section]:

Number of Points		Grade
At Least	But Less Than	Classification
5,000	---	22
1,000	5,000	21
350	1,000	20
300	350	19
225	300	18
150	225	17
125	150	16
100	125	15
---	100	14

Assessed Value of Property of:		Grade
At Least	But Less Than	Classification
$5,000,000,000	-	22
2,000,000,000	$5,000,000,000	21
500,000,000	2,000,000,000	20
400,000,000	500,000,000	19
250,000,000	400,000,000	18
125,000,000	250,000,000	17
100,000,000	125,000,000	16
75,000,000	100,000,000	15
50,000,000	75,000,000	14
35,000,000	50,000,000	13
-	35,000,000	12

Should a property valuation administrator for any reason vacate the office in any year during his term of office, he shall be paid only for the calendar days actually served during the year.

(2) The grade classification system provided in subsection (1) shall *in all respects, be equivalent to the grade classification for state employes as established by the department of personnel and subject to the provisions of subsection (4) of this section and* be determined on the basis of the total *area of the county as determined from information provided by the Kentucky agricultural statistics or other reliable data, the United States Bureau of the Census and the* assessment of property subject to state tax as certified by the department of revenue, including the amount of assessment on which taxes are deferred under the provisions of the agricultural and horticultural land act, except that the amount of assessment of livestock and farm machinery shall be excluded in determining the grade classification.

(3) The provisions of this section shall be computed on the *1978* [1976] assessment and on each annual assessment thereafter.

(4) Each property valuation administrator shall upon taking office for the first time be placed in the first step in grade and shall annually, effective January 1 after serving no less than twelve months, be advanced one step in grade; except, that any person appointed or elected to fill a vacancy in the office of property valuation administrator shall be eligible for advancement one step in grade effective January 1 following completion of at least six months service. The department of revenue is authorized to make grade classification changes corresponding to any approved for department employes in comparable positions so long as such changes do not violate the integrity of the classification system and, except further, subject to availability of funds, that the department may extend cost-of-living increases approved for department employes to the property valuation administrators by advancement in grade.

(5) Deputy property valuation administrators and other authorized personnel likewise may be advanced one step in grade upon completion of twelve months continuous service and given such other benefits relating to reclassification of position or cost-of-living adjustments as are provided in subsection (4) for property valuation administrators.

(6) The property valuation administrator's office shall be allowed by the state as compensation for deputies, other authorized personnel, and for other authorized expenditures, one and one-quarter cents on each one hundred dollars of the property assessed, including the amount of assessment on which taxes are deferred

under the agricultural and horticultural land act but exclusive of livestock and farm machinery, on the first two hundred fifty million dollars and one cent on each one hundred dollars of the property assessed over two hundred fifty million dollars; but the total sum allowed by the state to any property valuation administrator's office as compensation for deputies, other authorized personnel, and for other authorized expenditures shall not exceed the limits set forth in the following table:

Assessed Value of Property of:		
At Least	But Less Than	Limit
-	$ 300,000,000	$ 35,000
$ 300,000,000	500,000,000	50,000
500,000,000	2,000,000,000	100,000
2,000,000,000	-	The amount fixed by the department of revenue

However, each property valuation administrator's office shall be allowed as a minimum such funds that are required to meet the federal minimum wage requirements for one full time deputy. Each property valuation administrator shall submit each biennium to the department of revenue a budget for his office which shall be based upon the state, county and city funds available to his office and show the amount to be expended for deputy and other authorized personnel including employer's share of FICA and state retirement, and other authorized expenses of the office. Each property valuation administrator may appoint any persons approved by the department of revenue to assist him in the discharge of his duties. Each deputy must be more than twenty-one years of age and may be removed at the pleasure of the property valuation administrator. The salaries of deputies and other authorized personnel shall be fixed by the property valuation administrator in accordance with the grade classification system established by the department of revenue and shall be subject to the approval of the department of revenue. Any deputy property valuation administrator employed, or promoted to a higher position may be examined by the department of revenue in accordance with standards of the department of personnel, for the position to which he is being appointed or promoted. No state funds available to any property valuation administrator's office as compensation for deputies and other authorized personnel or for other authorized expenditures shall be paid without authorization of the department of revenue prior to the employment by the property valuation administrator of deputies or other authorized personnel or the incurring of other authorized expenditures.

(7) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the property valuation administrator as its cost for use of the assessment, as required by KRS 132.280 an amount determined as follows:

Assessment Subject to County Tax of:		
At Least	But Less Than	Amount
-	$100,000,000	$.005 for each $100 of the first $50,000,000 and $.002 for each $100 over $50,000,000.
$100,000,000	150,000,000	$.004 for each $100 of the first $100,000,000 and $.002 for each $100 over $100,000,000.
150,000,000	300,000,000	$.004 for each $100 of the first $150,000,000 and $.003 for each $100 over $150,000,000.
300,000,000	-	$.004 for each $100.

(8) The total sum to be paid by the fiscal court to any property valuation administrator's office under the provisions of subsection (7) of this section shall not exceed the limits set forth in the following table:

Assessed Value of Property Subject to County Tax of:		
At Least	But Less Than	Limit
-	$ 700,000,000	$ 25,000
$ 700,000,000	1,000,000,000	35,000
1,000,000,000	2,000,000,000	50,000
2,000,000,000	2,500,000,000	75,000
2,500,000,000	5,000,000,000	100,000
5,000,000,000	-	125,000

This allowance shall be based on the assessment as of the previous January 1 and shall be used for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the property valuation administrator and his deputies and other authorized personnel, and other authorized expenses of the office.

(9) *Annually, after appropriation by the county of funds required of it by KRS 132.590(7), the property valuation administrator shall file a claim with the county for that amount of the appropriation specified in his approved budget for compensation of deputies and assistants, including employer's shares of FICA and state retirement, for the fiscal year. The amount so requested shall be paid by the county into the state treasury and shall be expended by the department of revenue only for compensation of approved deputies and assistants and the employer's share of FICA and state retirement in the appropriating county. Any funds paid into the state treasury in accordance with this provision but unexpended by the close of the fiscal year for which they were appropriated, shall be returned to the county from which they were received and shall be subject to the provision of subsection (10) of this section.* Each property valuation administrator shall at the end of each month file a claim with the fiscal court for [the salaries of his deputies, other personnel, and other] expenses of his office *other than personnel* incurred during the month which are payable from county funds. The court shall order payment made provided the total of all claims filed with the court does not exceed the total sum available under this section. [The property valuation administrator shall maintain a payroll record of all employes compensated from local funds derived from any taxing jurisdiction, file such record with the department of revenue and pay all funds withheld from employes compensation for federal FICA taxes, federal income taxes, state income taxes, state employes retirement, and all other required deductions, by the fifth day following the end of each month.] During county election years the property valuation administrator shall not be allowed to expend in excess of forty percent of the allowances available to his office from county funds during the first five months of the fiscal year in which the general election is held.

(10) Any county funds appropriated under the provisions of this section but unexpended by the close of each fiscal year for which such funds are appropriated shall carry over and be added to the amount required to be appropriated for the next fiscal year except that the department of revenue may release such funds or any part thereof that the department deems not necessary for operations of the property valuation administrator's office.

(11) The provisions of this section shall apply to urban-county governments. In an urban-county government, all the rights and obligations conferred on fiscal courts by the provisions of this section, shall be exercised by the urban-county government.

(12) When an urban-county form of government is established through merger of existing city and county governments as provided in KRS Chapter 67A, the annual county assessment shall be presumed to have been adopted as if the city had exercised the option to adopt as provided in KRS 132.285, and the annual amount to be appropriated to the property valuation administrator's office shall be the combined amount that is required of the county under this section and that required of the city under KRS 132.285, except that the total shall not exceed one hundred thousand dollars ($100,000) for any urban-county government with an assessment subject to county wide tax of less than three billion dollars ($3,000,000,000), one hundred twenty-five thousand dollars ($125,000) for an urban-county government with an assessment subject to county-wide tax between three billion dollars ($3,000,000,000) and five billion dollars ($5,000,000,000) and two hundred thousand dollars ($200,000) for an urban-county government with an assessment subject to county-wide tax in excess of five billion dollars ($5,000,000,000). For purposes of this subsection the amount to be considered as the assessment for purposes of KRS 132.285 shall be the amount subject to taxation for full urban services.

(13) Notwithstanding the provisions of subsection (1) of this section, any property valuation administrators whose county classification would be reduced from that existing as of the date of this enactment shall not have his compensation reduced but shall continue to be compensated at his then current salary until such time as an increase in points earned by his county or a departmental adjustment, under subsection (4) of this section, qualify him for an increase in compensation.

(14) The county classification system provided in subsections (1) and (2) of this section shall in no way affect reclassification approved prior to this enactment nor shall they be construed to affect any future reclassifications provided under subsection (4) of this section.

SECTION 2. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

Notwithstanding the provisions of KRS 132.590(4), the department of revenue may approve the compensation of a property valuation administrator taking office for the first time, at the second or third step of the grade classification of his county, provided that any such exception is based on prior experience as a full time deputy or assistant in a property valuation administrator's office, and, provided, further, that at least four (4) years of service are required for step two (2) and at least eight (8) years experience is required for step three (3).

SECTION 3. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) The property valuation administrator of any county may, with the approval of the department of revenue, obligate and spend any of the funds accruing to his office under the provisions of KRS 132.590(6) or (7), or KRS 132.285, over and above that actually used in compensating his deputies and assistants, for the purchase of any maps, lists, charts, materials, supplies or equipment, or for other expenses necessary to the proper assessment of property or preparation and maintenance of assessment rolls and records, including the contracting for computer services for the establishment or maintenance of such rolls or records provided, such contract meets the specifications prescribed by the department and the cost of such services are provided for in the budget required to be submitted to the department by the property valuation administrator under the provisions of KRS 132.590(6).

(2) Upon approval of the expenditures provided in subsection (1) of this section by the department, the necessity of the expenditure shall not be questioned if funds provided by law are adequate during any fiscal year to meet not only the compensation of deputies and assistants, but also all obligations arising from such expenditures.

The Committee on Banking and Insurance reported **HB 332,** with Committee Substitute attached thereto, and **SB 92,** with Committee Amendment No. 3 attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Substitute to **HB 332** is as follows:

HB 332, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF SUBTITLE 39 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The owner of a motor vehicle registered in this Commonwealth who is required by KRS 304.39-080(5) to provide the security required therein for the maintenance or use of such vehicle shall, as prima facie evidence only that such security is currently in full force and effect, affix to the rear window thereof an identifying sticker or emblem which indicates the month, day and year on which such security will expire unless renewed or replaced by said owner.

(2) The form, content and location in which the sticker or emblem required by subsection (1) of this section shall be affixed shall be prescribed by the commissioner by regulation. All such stickers or emblems shall be supplied by or under the authority of the department of insurance and shall be serially numbered for the purpose of determining the identity of the insurer of the vehicle and its owner for which it was issued.

(3) All stickers or emblems issued pursuant to this section shall be the property of the Commonwealth and shall be affixed by the owner to the vehicle covered by the required security only during such time as such security which it represents remains in full force and effect. Every vehicle owner shall immediately remove from such vehicle any sticker or emblem representing security which he knows has been terminated, cancelled, impaired or is otherwise ineffective to serve as security for such vehicle.

(4) Every vehicle owner meeting the security requirements of this Subtitle through the purchase of a contract of insurance shall obtain within thirty (30) days a sticker or emblem evidencing such security from the authorized insurance company (or its authorized agent) with which he has contracted for such security. The commissioner shall furnish or authorize for each insurer sufficient quantities of such stickers or emblems as they may require for each vehicle which such insurer reasonably expects to insure during each annual period for which its policies of insurance are expected to be in force.

(5) Every vehicle owner meeting the security requirements of this Subtitle through becoming a qualifed self-insurer or an uninsured obligated government shall obtain a sticker or emblem directly from the commissioner.

(6) Every authorized insurance company which cancels or refuses to renew any contract of insurance on any vehicle insured by it for any vehicle owner prior to the normal expiration date of the sticker or emblem which it has furnished such owner for such vehicle shall notify such owner the date of which such sticker shall no longer be in full force and effect and should be removed from the vehicle.

(7) Every authorized insurance company which cancels any contract of insurance required by KRS 304.39-080(5) in accordance with KRS 304.20-040(2) shall provide the commissioner of the bureau of state police notice of such cancellation simultaneously with notice to the insured.

(8) Every authorized insurance company shall provide notice of cancellation to the commissioner of the bureau of state police within ten (10) days following the voluntary cancellation of a policy of insurance required by KRS 304.39-080(5) by a policyholder during the policy period.

(9) Every authorized insurer shall, upon request of the commissioner, furnish to the commissioner with regard to any numbered sticker or emblem furnished by it the name of the owner for whom the security was provided, the vehicle insured by such security and the beginning and ending dates during which the security was in full force and effect.

(10) Upon complaint by any person filed with the commissioner on a form to be prescribed by him alleging that any sticker or emblem was improperly affixed to any vehicle because the security therefor was not then in full force and effect, the commissioner shall determine the probable validity of said complaint by inquiry pursuant to subsection (9) of this section and shall certify the results of his findings to the complaintant and, if the security was not in effect on the date alleged, shall send a copy thereof to the commissioner of the Bureau of State Police who shall enforce the penalties provided for in Section 2 of this Act.

(11) The commissioner may by regulation provide for:

(a) A temporary certificate or binder of insurance coverage which may be displayed in lieu of the sticker or emblem required by this section for a period not to exceed thirty (30) days during which time the owner of such vehicle shall secure the permanent sticker or emblem required by subsection (1) of this section;

(b) Every motor vehicle dealer or owner of more than five (5) motor vehicles providing the required security under an insurance policy that provides automatic coverage for all owned vehicles may be furnished a supply sufficient for his needs of stickers, emblems or other evidence of such security by his insurer.

(12) All state, city and county police officers shall issue a citation for violation of this section to the owner or operator of any vehicle which has neither a current sticker or emblem affixed thereto or a temporary certificate or binder of insurance as required by this section.

SECTION 2. A NEW SECTION OF SUBTITLE 99 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The owner of any vehicle which fails to have in full force and effect security required by Subtitle 39 of KRS Chapter 304 and who does not have any sticker or emblem affixed to the vehicle shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500) and shall have the license plates thereof suspended for a period of thirty (30) days or until such time thereafter as proof, in a form satisfactory to the commissioner, is furnished that such security is then and will remain in effect.

(2) The owner of any vehicle which fails to have in full force and effect the security required by Subtitle 39 of KRS Chapter 304 and who has affixed to a vehicle a sticker or emblem which he knows was not in full force and effect at that time shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500) and shall have the license plates of such vehicle suspended for a period of ninety (90) days or until such time thereafter as proof, in a form satisfactory to the commissioner, is furnished that such security is then and will remain in effect.

(3) The owner of any vehicle which fails to have in full force and effect the security required by Subtitle 39 of KRS Chapter 304 who has affixed to the vehicle a sticker or emblem which he knows is fraudulent or counterfeit shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) and shall have the license plates of such vehicle suspended for a period of one (1) year or until such time thereafter as proof, in a form satisfactory to the commissioner, is furnished that such security is then and will remain in effect.

(4) Any person who fraudulently distributes any sticker or emblem or temporary certificate or binder of insurance to any person for any vehicle shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) or confined to the county jail for a period not to exceed thirty (30) days or both.

(5) Any person cited for a violation of this Act who exhibits to the trial court a written certificate executed by his insurer or its representative or agent that on the date of the citation there was in full force and effect the security required by Subtitle 39 of KRS Chapter 304 shall be acquitted and the action shall be dismissed.

Section 3. KRS 304.99-050 is repealed.

Section4. This Act shall become effective September 1, 1978.

The Committee Amendment No. 3 to **SB 92** is as follows:

Amend printed copy of **SB 92**, page 6, line 21, by inserting after the word "policies" the words "having a face amount not in excess of five thousand dollars ($5,000.)".

The Committee on Banking and Insurance reported **HB 709, HB 722, HB 757, SB 72, SB 179** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 709, AN ACT relating to automobile insurance

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 20, IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "safety equipment" shall mean only the glass used in the windshield, doors, and windows, and the glass, plastic, or other material used in the lights required by KRS Chapter 189 on any automobile.

(2) Any automobile insurance policy that provides comprehensive coverage, whether designated as such, or included within a broader coverage, shall provide complete coverage for repair or replacement of damaged safety equipment, without regard to any deductible or minimum amount.

(3) This section shall apply to all policies issued after January 1, 1979.

HB 722, AN ACT relating to securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 292.410 is amended to read as follows:

(1) Except as hereinafter in this section expressly provided, KRS 292.330 to 292.390 shall not apply to any of the following transactions:

(a) Any isolated non-issuer transaction, whether effected through a broker-dealer or not;

(b) Any non-issuer distribution of an outstanding security by a registered broker-dealer, if the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security;

(c) Any non-issuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(d) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(e) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed or trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;

(f) Any transaction by an executor, administrator, sheriff, marshall, receiver, trustee in bankruptcy, guardian, or conservator;

(g) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter;

(h) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(i) Any transaction pursuant to an offer directed by the offeror to not more than *twenty-five (25)* [ten (10)] persons (other than those designated in paragraph (h)) in this state during any period of twelve consecutive months, whether or not the offeror or any of the offerees is then present in this state, if

1. the seller reasonably believes that all the buyers are purchasing for investment, and

2. no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer in this state (other than those designated in paragraph (h)); but the director may by rule or order, as to any security or transaction, withdraw or further condition this exemption, or increase or decrease the number of offerees permitted, or waive the conditions in subparagraphs 1. and 2. of this paragraph with or without the substitution of a limitation on remuneration;

(j) Any offer or sale of a preorganization certificate or subscription, if

1. no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber,

2. the number of subscribers does not exceed *twenty-five (25)* [ten (10)], and

3. no payment is made by any subscriber;

(k) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, non-transferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if

1. no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or

2. the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days;

(l) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act;

(m) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock;

(n) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation or sale of assets;

(o) Any transaction by a person who does not control, and is not controlled by or under common control with, the issuer if

1. the transaction is at a price reasonably related to the current market price,

2. the security is registered under Section 12 of the Securities Exchange Act of 1934 and the issuer files reports pursuant to Section 13 of that act, and

3. copies of such federal registration statements, reports, forms or exhibits as the director may by rule or order require are filed with the director;

(p) Any transaction by a person who may control, or may be controlled by or under common control with, the issuer if

1. the transaction is at a price reasonably related to the current market price,

2. the security is registered under Section 12 of the Securities Exchange Act of 1934 and the issuer files reports pursuant to Section 13 of that act, and

3. copies of such federal registration statements, forms, reports or exhibits as the director may by rule or order require are filed with the director, and

4. such sales by any such person comply with such rules as the director may prescribe.

(2) The director may by order deny or revoke the exemption specified in KRS 292.400 (9) or (11) or in this section with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the director may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this subsection. Upon entry of a summary order, the director shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order to extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated this chapter by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order. In any proceeding under this chapter, the burden of proving an exemption from a definition is upon the person claiming it.

HB 757, AN ACT relating to the escrow of securities with the director of the division of securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 292.380 is amended to read as follows:

(1) Except as otherwise expressly provided in this chapter a registration statement under this chapter becomes effective when the director so orders. The director may require as a condition of registration under this chapter that a prospectus containing any designated part of the appropriate information specified in this chapter be sent or given to each person to whom an offer is made before or concurrently with: (a) the first written offer made to him (otherwise than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made, or by any underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution, (b) the confirmation of any sale made by or for the account of any such person, (c) payment pursuant to any such sale, or (d) delivery of the security pursuant to any such sale, whichever first occurs; but the director shall accept for use under any such requirement a current prospectus or offering circular regarding the same

securities filed under the Securities Act of 1933 or regulations thereunder.

(2) A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a registered broker-dealer. Any document filed under this chapter or a predecessor law within five years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate. The director may by rule or otherwise permit the omission of any item of information or document from any registration statement.

(3) The director may require as a condition of registration by qualification or coordination that (a) the proceeds from the sale of the registered security be impounded until the issuer receives a specified amount or (b) any security issued within the past three years, or to be issued, to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be delivered in escrow. The director may by rule or order determine the conditions of any escrow or impounding required hereunder. The director shall not reject a depository solely because of location in another state. *All securities delivered in escrow to the director or some other depository satisfactory to him prior to January 1, 1968 which have not previously been released shall be released from escrow and all securities delivered in escrow to the director or some other depository satisfactory to him subsequent to January 1, 1968 which have not previously been released shall be released from escrow no later than ten (10) years after the date of delivery into escrow.*

(4) The director may also require as a condition of registration by qualification that the issuer undertake to keep the securities registered under this chapter for a period of up to five years or until the securities become exempt securities under KRS 292.410, and that the issuer forward to its security holders audited annual financials during the period for which the shares are registered. The director may by rule or order impose other undertakings.

(5) For the registration of securities by notification or coordination, or qualification, there shall be paid to the director an examination fee of one hundred dollars and a registration fee of one-twentieth of one percent of the aggregate offering price of the securities which are to be offered in this state, but the registration fee shall in no case be less than fifty dollars nor more than one thousand dollars. The examination fee and the registration fee shall be payable in separate checks. When a registration statement is withdrawn before the effective date or a pre-effective stop order is entered under KRS 292.390, the director shall retain the examination fee. For the registration of securities issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, a new registration fee and examination fee shall be paid each year that the registration remains in effect, based upon the aggregate offering price of such securities which are to be offered in this state during that year, even though the maximum fee was paid the preceding year; and the registration statement for such securities may be amended to increase the amount of securities to be offered. For a registration by notification for market-making purposes only the examination fee need be paid.

(6) When securities are registered by notification or by coordination or by qualification, they may be offered and sold by the issuer, any other person on whose behalf they are registered or by any registered broker-dealer. Every registration statement is effective for one year from its effective date, or any longer period during which the security is being offered or distributed in a nonexempted transaction by or for the account of the issuer or other person on whose behalf the offering is being made or by any underwriter or broker-dealer who is still offering part of an unsold allotment or subscription taken by him as a participant in the distribution, except during the time a stop order is in effect under KRS 292.390. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any nonissuer transaction (1) so long as the registration statement is effective and (2) between the thirtieth day after the entry of any stop order suspending or revoking the effectiveness of the registration statement under KRS 292.390 (if the registration statement did not relate in whole or in part to a nonissuer distribution) and one year from its effective date if any securities of the same class are outstanding. A registration statement may be withdrawn otherwise only in the discretion of the director.

(7) The director may require the person who filed the registration statement to file reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering. The director shall impose a fee of five dollars for each such report filed with him.

SB 72, AN ACT relating to medical assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 205.510 is amended to read as follows:

As used in this chapter as it pertains to medical assistance unless the context clearly requires a different meaning:

(1) "Council" means the advisory council for medical assistance;

(2) "Dentist" means a person authorized to practice dentistry under laws of the commonwealth;

(3) "Medical care" as used in this chapter means essential medical, surgical, dental, optometric, podiatric, and nursing services, in the home, office, clinic, or other suitable places, which are provided or prescribed by physicians, optometrists, podiatrists or dentists licensed to render such service, including drugs and medical supplies, appliances, laboratory, diagnostic and therapeutic services, nursing home and convalescent care, hospital care as defined in KRS 205.560(1)(a), and such other essential medical services and supplies as may be prescribed by such persons. However, this section does not authorize optometrists to perform any services other than those authorized by KRS chapter 320;

(4) "Nurses" means persons authorized to practice professional nursing under the laws of the Commonwealth;

(5) "Nursing home" means a facility which provides routine medical care in which physicians regularly visit patients, which provide nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond that which the untrained person possesses, and which maintains complete records on patient care, and which is licensed pursuant to the provisions of KRS 216.405;

(6) "Optometrist" means a person authorized to practice optometry under the laws of the Commonwealth;

(7) "Pharmacist" means a person authorized to practice pharmacy under the laws of the Commonwealth;

(8) "Physician" means a person authorized to practice medicine or osteopathy under the laws of the Commonwealth;

(9) "Podiatrist" means a person authorized to practice podiatry under the laws of the Commonwealth;

(10) "Primary care center" means a facility which provides comprehensive medical care with emphasis on the prevention of disease and the maintenance of the patients' health as opposed to the treatment of disease;

(11) "Public assistance recipient" means a person who has been certified by [the bureau of public assistance of] the department for human resources as being eligible for, and a recipient of, public assistance under the provisions of this chapter;

(12) "Other persons eligible for medical assistance" may include the categorically needy excluded from money payment status by state requirements and classifications of medically needy individuals as permitted by federal laws and regulations and as prescribed by regulation of the secretary for human resources or his designee;

(13) "Vendor payment" means a payment for medical care which is paid by the department for human resources directly to the authorized person or institution which rendered medical care to an eligible recipient.

(14) "Third party" means an individual, institution, corporation, company, public or private agency, except the medical assistance program, who is or may be liable to pay all or part of the medical cost of injury, disease or disability of an applicant or recipient of medical assistance provided under title XIX of the Social Security Act. This shall include uninsured motorist coverage in a motor vehicle insurance policy.

Section 2. KRS 205.520 is amended to read as follows:

(1) KRS 205.510 to 205.610, 205.991 and 211.106 shall be known as the "medical assistance act."

(2) The general assembly of the commonwealth of Kentucky recognizes and declares that it is an essential function, duty and responsibility of the state government to provide medical care to its indigent citizenry; and it is the purpose of KRS 205.510 to 205.610, 205.991 and 211.106 to provide such care.

(3) Further, it is the policy of the commonwealth to take advantage of all federal funds that may be available for medical assistance. To qualify for federal funds the secretary for human resources may by regulation comply with any requirement that may be imposed or opportunity that may be presented by federal law. Nothing in KRS 205.510 to 205.610, 205.991 or KRS 211.106 is intended to limit the secretary's power in this respect.

(4) The department shall not provide medical assistance coverage to individuals covered by any third party, except in those cases where the third party coverage is not available to the individual at a time when payment is sought, and the department provides medical assistance coverage, the department shall seek reimbursement from the third party.

Section 3. KRS 205.540 is amended to read as follows:

(1) An advisory council for medical assistance shall be established in the state government. The council shall consist of fourteen (14) members. The secretary for human resources shall be an ex officio member. The other twelve (12) members of the council shall be appointed by the Governor and shall hold office for a term of four (4) years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1960, shall be as follows: Two (2) members shall be

appointed for one (1) year, two (2) for two (2) years, two (2) for three (3) years, and three (3) for four (4) years, and the respective terms of the first members shall be designated by the Governor at the time of their appointments. The term of the first optometrist member shall begin July 1, 1970. The term of the first podiatrist member shall begin July 1, 1974. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be for four years or until his successor is appointed and qualified. Appointments shall be made one from each list of three nominees submitted by the following organizations: the Kentucky State Medical Association; the Kentucky Dental Association; the Kentucky Hospital Association; the Kentucky Pharmaceutical Association; the Kentucky Association of Nursing Homes and Personal Care Homes; the Kentucky State Association of Registered Nurses; and the Kentucky Optometric Association. The other five appointive members shall be intelligent and discreet citizens residing within the Commonwealth, who are not members of professional groups which are recipients of vendor payments. No nominee or member of the council shall be a stockholder or have any financial interest in any hospital, nursing home, or related institution.

(2) Each appointive member of the council shall serve without compensation but shall be entitled to reimbursement for his actual and necessary expenses in carrying out his duties.

(3) Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining representations as set out in subsection (1) of this section. *Whenever a member of the council fails to attend one-half of the regular or special meetings of the council in a calendar year, such member shall be removed and the Governor shall appoint another qualified member to fill the vacancy for the unexpired term.*

(4) The council shall elect a chairman, vice-chairman, and secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The council shall hold a meeting at least once every three (3) months and such other special or regular meetings as may be desired.

Section 4. KRS 205.991 is amended to read as follows:

(1) *Any person who, with intent to defraud or deceive, knowingly presents or causes to be presented for payment any false or fraudulent claim for providing medical care, or knowingly submits or causes to be submitted false information for the purpose of obtaining greater compensation than that to which he is entitled for providing medical care, or knowingly submits or causes to be submitted false information for the purpose of obtaining authorization to provide medical care under KRS 205.510 to 205.600 shall be guilty of a class D felony.* [Any person who knowingly makes a false statement or representation or who knowingly fails to disclose a material fact or by impersonation or other fraudulent device obtains or attempts to obtain any medical care benefits under the provisions of KRS 205.510 to 205.610, 205.991 and 211.106 shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than thirty days, or both. Each false statement, representation, failure or violation, and each benefit payment made in reliance on such false statement, representation, failure or violation, shall constitute a separate offense.]

(2) *Any person who, with intent to defraud or deceive, knowingly makes a false statement or representation of a material fact, or knowingly fails to disclose a material fact or by any other fraudulent means obtains or attempts to obtain medical care benefits under KRS 205.510 to 205.600 shall be guilty of a class D felony.* [Any person who knowingly makes a false statement or representation to obtain payment for medical services shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than thirty days, or both. Each false statement, representation or violation shall constitute a separate offense.]

(3) Any person who provides medical care for which a vendor payment is, or may be received under KRS 205.510 to 205.600 and who solicits, offers or receives a kickback or bribe in connection with providing medical care or receiving vendor payments, or a rebate for referring any individual to another person for medical care shall be guilty of a class D felony.

(4) Each violation set out in subsections (1), (2) or (3) of this section shall constitute a separate offense for purposes of this section.

(5) Any person who obtains or causes to be obtained, vendor payments in volation of subsection (1) of this section shall be liable for repayment of the vendor payments, payment of interest at the maximum legal rate in effect at the date the payments were received and civil penalties of:

(a) payment of not more than $2,000 per violation, or;

(b) payment of an amount not to exceed treble the amount of fraudulent claims.

The time for accrual of interest shall run from the date the vendor payments are received to the date of the entry of judgment.

(6) Any person who obtains or causes to be obtained vendor payments or medical care benefits to which he is not entitled without intent to defraud or deceive shall be liable for repayment of the payments or benefits and payment of interest at the maximum legal rate in effect at the time the person obtained the payment or benefit. The time for accrual of interest shall run from the date the payment or benefit is received to the date of the entry of judgment. If, however, a person receives medical care benefits or vendor payments as a result of an error made by the department for human resources, as determined by the department, he

shall be liable under this section only for repayment of the payments or medical care benefits.

(7) The enforcement remedies provided in the preceding subsections are not exclusive and shall not preclude the use of any other criminal and/or civil remedy.

(8) All money received by the Commonwealth after July 1, 1978 from actions brought under subsections (1) through (6) of this section shall be placed in a separate fund by the state treasurer. The fund shall be known as the "Medical Assistance Trust and Agency Account" and shall be used for the payment of expenses incurred by the attorney general in the enforcement of this section. All money in the fund shall hereby be appropriated to the department of law. If at the end of a fiscal year the balance in the fund exceeds one hundred thousand dollars ($100,000.00), the state treasurer shall withdraw the excess and deposit it in the general fund.

SECTION 5. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

All vendors who provide medical services to an individual who is participating in the Medical Assistance program are required to submit billings for the medical services first to a third party who is or may be liable for payment of the service prior to submission of the billing to the department for payment.

SECTION 6. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

An applicant or recipient shall be deemed to have made a subrogation assignment of his right to all third party liability to the department by the act of receiving medical assistance under title XIX of the Social Security Act. Any applicant or recipient shall be informed in writing of the assignment by operation of law.

The department shall be subrogated to any right of recovery which a recipient may have for the cost of hospitalization, pharmaceutical services, physician services, nursing services, and other medical services not to exceed the amount of funds expended by the department for such care and treatment of the recipient under the provisions of title XIX of the Social Security Act.

SECTION 7. A NEW SECTION OF KRS CHAPTER 304.3 IS CREATED TO READ AS FOLLOWS:

A certificate of authority shall not be issued to an insurer who has a provision in its insurance contract which has the effect of limiting or excluding its obligation to pay on a claim because the insured is eligible for or is provided medical assistance under the provisions of title XIX of the Social Security Act. Any certificate of authority issued to an insurer shall be revoked if such insurer has a provision in any insurance contract which has the effect of limiting or excluding its obligation to pay on a claim because the insured is eligible for or is provided medical assistance under the provisions of title XIX of the Social Security Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The assignment of health insurance benefits and the subrogation rights thereof in the Department shall be binding and enforceable only after actual notice to the insurer of such assignment. Any such insurer shall be discharged from any liability to the assignor to the extent of payment to vendors under such assignment for payment otherwise owed to the recipient. No claim may be made by the assignor upon such insurer to the extent of such assigned or subrogated payment.

SB 179, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 18, IS CREATED TO READ AS FOLLOWS:

(1) Except as otherwise expressly provided herein, no contract providing major medical or out-patient care benefits, issued pursuant to Subtitles 18, 32 and 38 of KRS Chapter 304, shall be sold or offered for sale in the Commonwealth of Kentucky unless such contract offers the policyholder the option to purchase in new contracts the minimum benefits for treatment of alcoholism as specified in this Act.

(2) Coverage for treatment shall be divided into three (3) distinct phases:

(a) Emergency detoxification treatment;

(b) Residential treatment; and

(c) Out-patient treatment.

Such contracts shall contain a stipulation that no payment shall be made by the carrier to the provider except upon completion of the phase of program of treatment by the patient, under the guidance and direction of a physician licensed to practice in the Commonwealth or a professional, designated by such physician, who is a recognized staff member of a treatment facility licensed by the department and accredited by the joint commission on the accreditation of hospitals.

(3) Disability and accident income benefits and basic health care contracts that do not provide major medical or out-patient care are excluded from this Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 18, IS CREATED TO READ AS FOLLOWS:

Group contracts providing major medical or out-patient care benefits issued pursuant to this Act for treatment of alcoholism shall require:

(1) That the patient be under the supervision of a physician licensed to practice in the Commonwealth or a professional designated by such physician, and who is a recognized staff member of a treatment facility licensed by the department and accredited by the joint commission on the accreditation of hospitals;

(2) That the patient receive appropriate emergency detoxification treatment, residential treatment and out-patient treatment at facilities licensed by the department and accredited by the joint commission on the accreditation of hospitals, for alcoholism treatment; and

(3) That the following minimum benefits per patient be provided:

(a) Emergency detoxification-3 to 5 days $40 per day

(b) Residential treatment-10to30days $50 per day

(c) Out-patient treatment-1 to 50 visits $10 per unit.

SECTION 3. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 18, IS CREATED TO READ AS FOLLOWS:

Nothing contained in this Act shall be construed as prohibiting negotiation of group contracts providing major medical or out-patient benefits that exceed the minimum benefits required by this Act relating to treatment of alcoholism.

SECTION 4. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 18, IS CREATED TO READ AS FOLLOWS:

Treatment for alcoholism in acute care hospitals licensed by the Commonwealth and accredited by the joint commission on accreditation of hospitals shall be treated by all health care carriers as any other disease entity covered by their contracts.

SECTION 5. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 18, IS CREATED TO READ AS FOLLOWS:

(1) All definitions relating to alcoholism and the treatment for alcoholism, as contained in KRS Chapter 222 and Kentucky Administrative Regulations promulgated therefrom, shall apply to this Act.

(2) All services rendered by a health care facility under this Act shall comply with the requirements for such services as contained in KRS Chapter 222 and Kentucky Administrative Regulations filed pursuant to KRS Chapter 13.

SECTION 6. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 18, IS CREATED TO READ AS FOLLOWS:

The commissioner of insurance shall administer the provisions of this Act and may adopt rules and regulations to implement the provisions of this Act.

SECTION 7. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 32, IS CREATED TO READ AS FOLLOWS:

Any group policy, group plan or group contract issued in this state by a nonprofit hospital, medical-surgical, or health service corporation shall offer the insured the option to purchase in new contracts the minimum benefits for treatment of alcoholism as specifed in this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 38, IS CREATED TO READ AS FOLLOWS:

Any group policy, group plan, or group contract issued in this state by a health maintenance organization shall offer the enrollee the option to purchase in new contracts the minimum benefits for treatment of alcoholism as specified in this Act.

Section 9. This Act shall become effective January 1, 1979.

The Committee Amendment No. 1 to **SB 179** is as follows:

Amend printed copy of **SB 179,** page 1, line 8, before the word "policyholder" insert the word "master";

page 4, line 14, delete the word "insured" and insert in lieu thereof the words "master policyholder";

page 4, line 21, delete the word "enrollee" and insert in lieu thereof the words "master policyholder".

The Committee on Counties and Special Districts reported **HB 342,** with Committee Amendment No. 2 attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment No. 2 to **HB 342** is as follows:

Amend printed copy of **HB 342,** page 1, line 17, after the word "shall" insert the following: "*make a reasonable effort to*".

The Committee on Counties and Special Districts reported **HB 659** and HB 704 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Consent Calendar.

HB 659, AN ACT relating to fiscal courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 67.090 is amended to read as follows:

(1) The fiscal court of each county shall hold its sessions at the county seat *or at other county government centers within the county as authorized by the fiscal court. On the seventh day prior to any meeting of the fiscal court at a site other than the county seat, the clerk of the fiscal court shall, for one (1) day, publish notice of the meeting in a newspaper as provided by KRS Chapter 424.*

(2) The fiscal court shall hold two (2) regular terms each year, which shall continue until the business of the court is completed. The county judge/executive may, by an order of record, fix the dates for the commencement of the regular terms, but one (1) of the terms must be held in October; if he does not fix the terms, the first regular term shall commence on the first Tuesday of April and the second regular term on the first Tuesday of October.

(3) The county judge/executive may call a special term of the fiscal court for the transaction of any business of which that court has jurisdiction. Whenever a special term is necessary and the county judge/executive is unable, or refuses to act, a majority of the members of the fiscal court may call the special term.

HB 704, AN ACT relating to special districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 75.031 is amended to read as follows:

(1) Upon creation of a fire protection district or a volunteer fire prevention district as provided in KRS 75.010, the affairs of the district shall be conducted by the board of trustees consisting of seven (7) members, four (4) to be elected by the members of the district as hereinafter set out and three (3) to be appointed by the county judge/executive. Two (2) members of the board of trustees shall be elected by the members of the volunteer fire fighters of the district and shall be members thereof. Two (2) members of the board of trustees shall be property owners who own and reside in the property in the district who are not active volunteer fire fighters and shall be elected by such property owners. The county judge/executive of the county in which the greater part of the district is located shall appoint three (3) members of the board of trustees. In counties containing a city of the first class trustees appointed by the county judge/executive to serve in volunteer fire prevention districts shall reside within the boundaries of that *county* [fire district]. At the first election held after the district is formed, one (1) volunteer fire fighter shall be elected to serve on the board of trustees for a period of one (1) year and one (1) for a period of three (3) years and one (1) nonvolunteer fire fighter property owner shall be elected to serve on the board of trustees for a period of two (2) years and one (1) for a period of four (4) years. On the expiration of the respective terms the successor to each shall have the same qualifications as his predecessor and shall be elected for a term of four (4) years. In the event of a vacancy in the term of an elected trustee, the remaining elected trustees shall elect a trustee to fill the vacancy for the balance of the term. The original appointed members of the board of trustees shall be appointed for terms of one (1), two (2), and three (3) years respectively. On the expiration of the respective terms the successors to

each shall be appointed for a term of three (3) years. In the event of a vacancy in the term of an appointed trustee, the county judge/executive shall appoint a trustee for the remainder of the term.

(2) The elective offices of members of the board of trustees shall be filled by an election to be held once each year on a date determined by the department. The polls shall be located at the principal fire house in the district. The date, time and place of the election shall be advertised in accordance with KRS 424.120. This notice shall be advertised at least thirty (30) days prior to the election date and shall include the names and addresses of the candidates to be voted on for each position of trustee. The nominations for candidates for trustees both representing the fire fighters and the property owners residing in the district shall be made in accordance with the bylaws of the department. The terms of the three (3) trustees appointed by the county judge/executive shall start at the same time as the terms of the elected trustees. On or before the beginning of the second fiscal or calendar year, depending on which basis the fire protection or volunteer fire district is being operated, after June 16, 1966 all departments organized prior to June 16, 1966 shall increase their boards of trustees from three (3) to seven (7) members and elect the elective members in the manner set forth herein.

(3) Such trustees shall elect from their number a chairman, a secretary and a treasurer, the latter of whom shall give bond in such amount as shall be determined by the county judge/executive of the county in which the greater part of the fire protection district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which may come into his possession as such treasurer. The premiums on such bonds shall be paid out of the funds of the district.

The Committee on Counties and Special Districts reported **HB 691, HB 729** with Committee Amendment attached thereto, **SB 216,** and **SB 287,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 691, AN ACT relating to fiscal courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 67.050 is amended to read as follows:

(1) Any county may have a fiscal court consisting of the county judge/executive and three (3) commissioners elected from the county at large. To ascertain whether the county desires to have county commissioners, the county judge/executive, upon an application by written petition signed by one hundred (100) legal voters of the county, shall enter an order on his order book calling an election to submit to the legal voters of the county the following question: "Are you for or against having a fiscal court composed of three (3) commissioners and the county judge/executive of the county court?" The order shall be entered at the next regular term after the petition is filed, and shall direct the election to be held at the next regular election to be held in the county that does not occur within less than sixty (60) days from the filing of the petition. The county clerk shall give to the sheriff or other officer appointed to hold the election a certified copy of the order within five (5) days after the order is made, and the sheriff or other officer shall have the order published pursuant to KRS chapter 424 and in addition advertise it by printed handbills posted at one or more conspicuous places in each precinct in the county for the length of time that publication is required, stating when the election will be held and the purpose thereof.

(2) All such elections shall be held under the general election laws. No such election shall be held in any county oftener than once in four (4) years.

(3) Any county that has voted in favor of having county commissioners may return to its prior form of government by following the same procedures as provided in subsections (1) and (2) of this section, by which it chose to have county commissioners. *A petition for an election on a return to a fiscal court composed of justices of the peace and the county judge/executive shall state a proposed number of justices of the peace. The question to be submitted to the voters shall be in the following form: "Are you in favor of a return to a fiscal court composed of the county judge/executive and (insert the proposed number of justices) justices of the peace who shall represent specific districts within the county?"*

(4) If a majority of the votes cast at an election held under subsection (3) of this section are in favor of a return to a fiscal court composed of justices of the peace and the county judge/executive, the county judge/executive shall, if necessary, initiate proceedings to reapportion the justices districts. The change in the composition of the fiscal court shall become effective upon the assumption of office of justices of the peace elected at the next regular election for that office.

Section 2. KRS 67.060 is amended to read as follows:

(1) If a majority of the votes cast at an election held under KRS 67.050 are in favor of the fiscal court being composed of the county judge/executive and three (3) commissioners, the county judge/executive shall, before the next regular election for county officers, divide the county into three (3) districts as nearly equal in

population as practicable, and shall establish the boundary lines of each of the three (3) commissioner districts so that each district is an unbroken area and not split or divided by another commissioner district. At the next regular election for county officers, and every four (4) years thereafter, there shall be elected by the voters of the entire county three (3) commissioners, one (1) from each district who, with the county judge/executive, shall constitute the fiscal court.

(2)(a) In any county containing a city of the first class, which county has heretofore voted in favor of a fiscal court composed of the county judge/executive and three (3) county commissioners, the county judge/executive shall divide the county into three (3) districts as provided in subsection (1), the districts to be designated for identification purposes by the letters A, B and C, respectively.

(b) The three commissioners shall be elected by the qualified voters of the county at large at regular elections held every four years. One commissioner shall represent District A and shall be elected at the regular election in the year 1973, and two commissioners who shall represent Districts B and C, respectively, shall be elected at the regular election in the year 1975.

(3) Persons seeking the nomination of a political party as candidate for the office of county commissioner shall, where a primary election is required for such political party, be voted upon exclusively by the eligible voters of the district in which the person resides and seeks to represent. Persons seeking the nomination of a minor political party, persons who file as independent candidates or persons seeking the nomination in counties containing cities of the second class shall not be subject to the provisions of this paragraph. They shall be nominated by the voters of the entire county.

(4) To be eligible for election as a commissioner representing one of the three districts, a person shall have been a bona fide resident of the district he proposes to represent for at least one year immediately preceding the election, and, upon election, shall continue to reside within the district he was elected to represent for the duration of his term of office, under penalty of forfeiture of the office.

(5) Commissioners elected under this section shall take the oath of office and enter upon the discharge of their duties on the first Monday in January after their election, and shall serve for terms of four (4) years and until their successors are elected and qualify, *or until the effective date of a return to a fiscal court composed of justices of the peace and the county judge/executive.*

(6) No person is eligible to be a county commissioner unless he is at least twenty-four (24) years of age and has been for two (2) years next preceding his election a resident of the county and a citizen of Kentucky.

SECTION 3. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

(1) In counties containing a city of the first class boundaries of justices' districts shall be drawn by the county board of elections so that the population of each district shall be as nearly equal as is reasonably possible.

(2) To initiate a reapportionment proceeding, the county judge/executive shall furnish the county board of elections with written notice of the need to reapportion justices' districts and shall publish notice of the planned reapportionment in accordance with KRS Chapter 424.

(3) The county board of elections shall, within sixty (60) days of receipt of the written notice, lay off the boundary lines of the districts. A written report, showing the boundary of each district and the estimated population in each shall be filed with the county clerk. Not later than twenty (20) days after the filing of the report, any citizen of the county may file exceptions, and the circuit court shall fix a day not later than ten (10) days after the filing of exceptions for the trial thereof. On the trial the court shall dispose of the exceptions and, by order entered of record, establish the boundaries of the districts.

(4) Precinct lines shall be redrawn when necessary in accordance with the provisions of KRS 117.055.

(5) Any reapportionment made in accordance with the provisions of this Act shall be certified by the county judge/executive to the county clerk.

SECTION 4. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

In counties containing a city of the first class where the fiscal court is composed of justices of the peace and the county judge/executive, the county shall be divided into eight (8) justices' districts and the justice elected from each district shall be entitled a magistrate/representative.

HB 729, AN ACT relating to county budgets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 68.240 is amended to read as follows:

(1) The county budget commission, at a meeting or meetings held not later than May 1 of each year, shall make a detailed investigation of each separate activity of the county for which county funds are to be expended by the fiscal court. All expenditures shall be classified into budget units, including:

(a) General expenses of county government.
(b) Protection to persons and property.
(c) General health and sanitation.
(d) Highways and bridges.
(e) Charities, hospitals, infirmaries and corrections.
(f) Recreational.
(g) New property and improvements.
(h) Interest and debt payments.
(i) Miscellaneous and contingent.

(2) The county budget shall have a fund known as the "Sinking Fund Principal Account" and a fund known as the "Sinking Fund Interest Account." There shall be allocated annually to the sinking fund principal account a sum equal to the proportional yearly amount necessary to retire each bond issue of the county at maturity, and to the sinking fund interest account a sum equal to the interest on bonded indebtedness payable during the current budget year.

(3) *The budget of any county may include a fund not to exceed fifteen percent (15%) of the total county budget, which shall be known as the county judge/executive contingency fund. Money from the county judge/executive contingency fund may be expended at the discretion of the county judge/executive without the approval of the fiscal court for the necessary business of the county.*

*(4)*The county budget commission shall adopt such budget units as may be required by the activities of the county. When necessary, the county budget commission may subdivide any budget unit into separate budget funds so that the cost of each class of expenditures can be ascertained at any time and regulated by the commission according to the financial condition and needs of the county.

(5) [(4)] The funds set apart in the county budget for a budget unit, or any subdivision thereof, shall constitute a separate budget fund and shall be appropriated and accounted for separately.

(6) [(5)] The county budget commission, in addition to preparing a reasonable estimate of the funds actually needed for both general and special purposes, shall prepare an estimated statement of receipts to be anticipated from the various sources of income.

The Committee Amendment to **HB 729** is as follows:

Amend printed copy of **HB 729,** page 2, line 9, after the word "*budget*" and before the comma insert the following: "*or fifty thousand dollars ($50,000), whichever is smaller*";

and on line 13, delete: "*the necessary business*" and insert therefor: "*emergency purposes only.*";

and on line 14, delete all of line 14.

SB 216, AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:
The sheriff of each county shall on or before January 15 of each year transmit to the county clerk a list of all unpaid motor vehicle tax bills. The list shall be cumulative in that each year it shall indicate all taxes due on such motor vehicle, beginning with the taxes due for the calendar year of 1978.

SECTION 2. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:
Whenever any person makes application to the county clerk to register his motor vehicle, the clerk shall check the list on which the unpaid motor vehicle tax bills appear. If the taxes on such motor vehicle have not been paid, the county shall have a lien on the motor vehicle for the amount of the unpaid motor vehicle tax bill, which shall be recorded on the registration or transfer receipt, issued by the county clerk. The lien shall appear on the owner's copy of the registration or transfer receipt and on the clerk's copy and shall be recorded in the office of the county clerk in the same manner as other liens on property. For filing the tax lien, the clerk shall collect a fee of two dollars and fifty cents ($2.50) from the party applying for registration.

SECTION 3. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:
Whenever the tax bill has been paid, the person who owns the motor vehicle shall present to the county clerk evidence of payment. Thereupon, the county clerk shall note the discharge of the lien on his copy of the current receipt maintained in his office and on presentation of the owner's copy of the receipt, the clerk shall also note the discharge of the lien on the owner's copy and in the file maintained in the clerk's office. For

noting the discharge of the lien, the clerk shall collect a fee of two dollars and fifty cents ($2.50) from the person who owns the motor vehicle.

SB 287, AN ACT relating to auto and truck recyclers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 177.905 is amended to read as follows:

As used in KRS 177.905 to 177.950, unless the context otherwise requires:

(1) "Road" means any county, state, federal or limited access highway or turnpike, including bridges and bridge approaches.

(2) "Automobile, vehicle or machinery *recyclers* [junkyard]" means any place where five (5) or more junked, wrecked or non-operative automobiles, vehicles, machines and other similar scrap or salvage materials are deposited, parked, placed or otherwise located.

(3) "Material *recyclers* [junkyard]" shall mean any establishment or place of business, including garbage dumps and sanitary fills, maintained, operated, or used for storing, keeping, buying or selling of old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or motor vehicle parts, iron, steel, and other old or scrap ferrous or nonferrous material.

(4) "Operator or operators" means a person, firm or corporation operating an automobile, vehicle, machinery or material *recycling establishment or place of business* [junkyard] or the allowing of such automobile, vehicle, machinery or material *recycling establishment or place of business* [junkyard] to be placed or deposited, or to remain on premises owned or controlled by such person, firm or corporation.

(5) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic or corporation.

(6) "Bureau" means the bureau of highways.

(7) "Commissioner" means the commissioner of the bureau of highways.

Section 2. KRS 177.910 is amended to read as follows:

No person shall operate or cause to be operated any automobile, vehicle, machinery or material *recycling establishment or place of business* [junkyard] which is situated closer than *1,000* [2000] feet *of* [to] the *right-of-way* [center] line of any road unless a permit for such operation shall have been obtained from the bureau. The operation of any automobile, vehicle, machinery or material *recycling establishment or place of business* [junkyard] so situated without a permit is hereby declared to be a public nuisance.

Section 3. KRS 177.912 is amended to read as follows:

Automobile, vehicle or machinery *recycling establishment or place of business* [junkyards] or material *recycling establishment or place of business* [junkyards] which comply *as a conforming use in an industrially zoned area under* [with] the applicable zoning ordinances and regulations of any county or city, [and which are located in industrially developed areas,] as determined in the discretion of the commissioner of highways, [and which areas are located within the corporate limits of any city as such limits existed on March 1, 1966,] shall not be deemed to be in violation of KRS 177.905 to 177.950.

Section 4. KRS 177.915 is amended to read as follows:

The permit required by KRS 177.910 shall be issued in accordance with the rules and regulations of the bureau, promulgated pursuant to the provisions of KRS 177.905 to 177.950, when it is shown to the satisfaction of the commissioner that an automobile, vehicle, machinery or material *recycling establishment or place of business* [junkyard] located closer than *1,000* [2000] feet *of* [to] the *right-of-way* [center] line of any road is, so far as deemed practical by the commissioner, hidden from the view of motorists using such road by an artificial or natural screen, or is by virtue of natural topography so hidden. The screening required in this section may be effected by the construction of a fence, or by planting shrubs, trees, or flowering plants, the foliage of which provides a sufficient screen or by making use of foliage already in existence. [The screening required in this section for automobile, vehicle or machinery junkyard must be in use within six (6) months of June 14, 1962. The screening required in this section for material junkyards must be in use by January 1, 1968. If in the opinion of the commissioner any automobile, vehicle, machinery, or material junkyard cannot as a practical matter be screened, it shall be removed from the sight of motorists using such roads; Provided, however, That] Any *automobile, vehicle, machinery or* material *recycling establishment or place of business* [junkyard] that cannot as a practical matter be screened, shall [not] be required to be removed [until July 1, 1970].

Section 5. KRS 177.935 is amended to read as follows:

The bureau is hereby empowered to:

(1) Exercise general supervision of the administration and enforcement of KRS 177.905 to 177.950.

(2) Adopt, after hearing, such rules and regulations pertaining to the operation of automobile, vehicle, machinery or material *recycling establishment or place of business* [junkyards] as the commissioner may deem necessary to the administration and enforcement of KRS 177.905 to 177.950.

(3) Adopt, without hearing, rules and regulations with respect to the sufficiency, type of material or foliage, height, density and size of screening required by KRS 177.915 to insure the accomplishment of the purpose of KRS 177.905 to 177.950.

(4) Adopt, without hearing, rules and regulations with respect to the procedural aspects of hearings, the filing of reports and orders, the issuance of permits and other matters.

(5) Issue, after hearing, orders abating the operation of an automobile, vehicle, machinery or material *recycling establishment or place of business* [junkyard] in violation of the provisions of KRS 177.905 to 177.950, or requiring the adoption of remedial measures including the construction or planting of screens or the utilization of natural screening, extension, modification or addition to new or existing screens.

(6) Issue, continue in effect, revoke, modify or deny under such conditions as the bureau may prescribe permits for the operation of an automobile, vehicle, machinery or material *recycling establishment or place of business* [junkyard].

(7) Make investigations or inspections which may be deemed necessary by the commissioner to insure compliance with the provisions of KRS 177.905 to 177.950, or with any rules, regulations or orders of the bureau which may be deemed necessary to enable the bureau to administer and enforce the provisions of KRS 177.905 to 177.950.

(8) Institute in a court of competent jurisdiction procedures, including injunctive relief, to compel compliance with the provisions of KRS 177.905 to 177.950 and with the orders, rules and regulations issued pursuant thereto.

(9) Enter at any reasonable time through any officer, assistant, agent or employe in or upon any public or private property for the purpose of investigation and inspection of conditions relating to the operation of any automobile, vehicle, machinery or material *recycling establishment or place of business* [junkyard].

(10) Perform such other and further acts as may be necessary, proper or desirable in order to carry out effectively the duties and responsibilities of the bureau prescribed in KRS 177.905 to 177.950.

Section 6. KRS 177.940 is amended to read as follows:

(1) Public hearings shall be conducted by the bureau prior to the adoption of any rules or regulations which pertain to the prevention, abatement or control of automobile, vehicle, machinery or material *recycling establishment or place of business* [junkyards] or before the issuance of any order prohibiting the performance by any person of any act or acts deemed to be in contravention of any rules, regulations, orders or permits of the bureau; or before denial, revocation or modification of any permit provided for by KRS 177.905 to 177.950; or before any other final determination is made by the bureau which directly affects the activities of any person.

(2) The bureau shall grant a hearing to any person, not previously heard in connection with the issuance of any order or the making of any determination, who may consider himself aggrieved by any such order or determination and who shall file with the bureau a verified petition alleging that such order or determination is contrary to law or that is injurious to him, stating the grounds and reasons therefor and requesting a hearing thereon. At such hearing the petitioner may appear in person or by attorney, may present his side and may submit evidence, and shall be given full opportunity to be heard.

(3) The hearings provided for in KRS 177.905 to 177.950 may be conducted by the commissioner, deputy commissioner or any highway official designated by the commissioner in the name of the bureau at a time and place specified by the commissioner.

SECTION 7. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

There is hereby established the Kentucky auto and truck recyclers licensing advisory board:

(1) The membership of the board shall consist of twelve (12) members who are appointed by the Governor. Each member shall represent one (1) of each of the Kentucky state highway districts and shall reside in that district and shall also be a member of the Kentucky Auto and Truck Recyclers Association, Incorporated. The term of each member shall be four (4) years.

(2) The board shall meet a minimum of twice annually, at times to be determined by the majority of the members.

(3) The action of the majority of the members shall be deemed the action of the board. No person may act as a member of the board while holding any other elective or appointive state or federal office.

(4) All members shall serve without compensation.

(5) The board shall report to the commissioner any violations of KRS 177.905 to 177.950 and shall advise with the commissioner upon the issuance of any licenses hereunder.

The Committee on Public Utilities and Transportation reported **HB 488, SB 186** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 488, AN ACT relating to driving history records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 174 IS CREATED TO READ AS FOLLOWS:

(1) When the department of transportation furnishes a copy of an individual's driving history record to any individual, association or corporation, the record shall not include information of any event which occurred more than two (2) years preceding the date of the request for the record.

(2) The department of transportation shall charge a fee of not less than five dollars ($5) for each request for a copy of an individual's driving history record.

SECTION 2. A NEW SECTION OF KRS CHAPTER 174 IS CREATED TO READ AS FOLLOWS:

(1) Any individual, association or corporation which obtains from the department of transportation a copy of a person's driving history record shall, within thirty (30) days of the receipt of the record, notify the person whose record was requested of the receipt of the record and the reason for the request.

(2) Any individual, association or corporation which has obtained from the department of transportation a copy of a person's driving history record shall not sell or transfer the record, or the information contained therein, to any other individual, association or corporation without first notifying the person whose record is sold or transferred.

(3) Any individual, association or corporation which fails to give the notice required by subsections (1) and (2) of this section shall be fined not less than fifty dollars ($50) nor more than two hundred and fifty dollars ($250) for each failure to give the notice required.

SB 186, AN ACT relating to the registration of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.061 is amended to read as follows:

(1) Applications for registration of motor vehicles owned exclusively by any nonprofit volunteer fire department, volunteer fire prevention unit or volunteer fire protection unit shall be accompanied by a statement from the chief or assistant chief of the volunteer fire department or unit that owns the motor vehicle, certifying that the motor vehicle is exclusively owned and operated by the volunteer fire department or unit. *Applications for registration of motor vehicles owned exclusively by any nonprofit rescue squad which is officially recognized by the state fire marshal shall be accompanied by a statement from the head or deputy head of the rescue squad that owns the motor vehicle, certifying that the motor vehicle is exclusively owned and operated by the rescue squad.* The application and statement shall be forwarded by the county clerk to the department, which shall give special authority to the clerk to register it. Upon receiving that authority the clerk shall issue a registration receipt and the official number plate described in KRS 186.240(3), and report the registration to the head of the department authorizing the registration. [For his services in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of fifty cents ($.50) in each instance, to be paid by the volunteer fire department or unit.]

(2) After such registration of any vehicle owned exclusively by any nonprofit volunteer fire department, volunteer fire prevention unit, [or] volunteer fire protection unit *or rescue squad* and after issuance of such number plate for such vehicle so owned, no subsequent registration or renewal of same, and no subsequent renewal of a number plate of said vehicle shall be necessary so long as said vehicle is owned exclusively by such volunteer fire department, [or] unit *or rescue squad* except in the case of loss or destruction of said license plate. In the event of such loss or destruction, said number plate shall be replaced in the same manner as if no plate had ever been issued.

(3) When a motor vehicle owned exclusively by any nonprofit volunteer fire department, volunteer fire prevention unit, [or] volunteer fire protection unit *or rescue squad* is transferred or sold to another nonprofit volunteer fire department, volunteer fire prevention unit, [or] volunteer fire protection unit or *rescue squad or* another governmental unit a new license plate shall be issued for the vehicle in the same manner as provided

for in subsection (1) of this section and shall have the same effect as given to such license plates in subsection (2) of this section.

(4) No person shall use on a motor vehicle, not exclusively owned by any nonprofit volunteer fire department, volunteer fire prevention unit, [or] volunteer fire protection unit, *or rescue squad,* any license plate that has been issued for use on a motor vehicle owned by such a volunteer fire department, [or] unit *or rescue squad.*

The Committee Substitute to **SB 186** is as follows:

SB 186, AN ACT relating to the registration of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.061 is amended to read as follows:

(1) Applications for registration of motor vehicles owned exclusively by any nonprofit volunteer fire department, volunteer fire prevention unit, [or] volunteer fire protection unit *or emergency and rescue unit* shall be accompanied by a statement from the chief or assistant chief of the volunteer fire department, [or] unit *or emergency and rescue unit* that owns the motor vehicle, certifying that the motor vehicle is exclusively owned and operated by the volunteer fire department, [or] *emergency and rescue* unit. The application and statement shall be forwarded by the county clerk to the department, which shall give special authority to the clerk to register it. Upon receiving that authority the clerk shall issue a registration receipt and the official number plate described in KRS 186.240(3), and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of fifty cents (50¢) in each instance, to be paid by the volunteer fire department, [or] unit *or emergency and rescue unit.*

(2) After such registration of any vehicle owned exclusively by any nonprofit volunteer fire department, volunteer fire prevention unit, [or] volunteer fire protection unit *or emergency and rescue unit* and after issuance of such number plate for such vehicle so owned, no subsequent registration or renewal of same, and no subsequent renewal of a number plate of said vehicle shall be necessary so long as said vehicle is owned exclusively by such volunteer fire department, [or] unit *or emergency and rescue unit* except in the case of loss or destruction of said license plate. In the event of such loss or destruction, said number plate shall be replaced in the same manner as if no plate had ever been issued.

(3) When a motor vehicle owned exclusively by any nonprofit volunteer fire department, volunteer fire prevention unit, [or] volunteer fire protection unit *or emergency and rescue unit* is transferred or sold to another nonprofit volunteer fire department, volunteer fire prevention unit, [or] volunteer fire protection unit, *emergency or rescue unit* or another governmental unit a new license plate shall be issued for the vehicle in the same manner as provided for in subsection (1) of this section and shall have the same effect as given to such license plates in subsection (2) of this section.

(4) No person shall use on a motor vehicle, not exclusively owned by any nonprofit volunteer fire department, volunteer fire prevention unit, [or] volunteer fire protection unit, *or emergency or rescue unit,* any license plate that has been issued for use on a motor vehicle owned by such a volunteer fire department, [or] unit *or emergency and rescue unit.*

Section 2. KRS 186.240 is amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS 186.005 to 186.260 and in so doing shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.005 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180(1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle identification numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word "Kentucky" or the abbreviation thereof, "Ky." and the name of the county in which the plate is issued or in lieu thereof the words "Official," "Transportation," "Executive," "Farm," or in the case of plates for commercial vehicles, such words or information as the bureau

of vehicle regulation may by regulation provide and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of KRS 186.060, relating to the licensing of vehicles owned exclusively by the state and of KRS 186.061, relating to the licensing of vehicles owned exclusively by any nonprofit volunteer fire department, volunteer fire prevention unit, and volunteer fire protection unit. *The department shall prescribe a plate of practical form and size for nonprofit emergency and rescue units which shall contain only the registration number, the word "Kentucky" or the abbreviation thereof "Ky." and the name of the county in which the plate is issued or in lieu thereof the word "Rescue."* A state slogan may be placed upon such plate if so desired.

(4) The department of transportation shall receive all moneys forwarded by the clerk in each county and turn same over to the state treasurer for the benefit of the state road fund.

(5) The department of transportation shall require an accounting by the clerk in each county for any moneys received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him.

(6) When applied for under KRS 186.160, motor or vehicle numbers assigned shall be distinctive to show that they were designated by the department.

The Committee on Business Organizations and Professions reported **SB 88,** with Committee Amendment attached thereto, and **SB 209** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 88, AN ACT relating to collective bargaining, arbitration and grievance procedures between boards of education and associations representing certificated personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

It is the purpose of this Act to improve the quality of education within school systems in the Commonwealth of Kentucky through guaranteeing to associations representing certificated school personnel the right of bargaining and negotiating with boards of education.

SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context requires otherwise.

(1) "Board" means the board of education of a school district as defined in KRS 160.160.

(2) "Certificated person" or "certificated personnel" means those persons, other than temporary substitutes, holding positions requiring certificates referred to in KRS 161.020 through 161.120 who are below the rank of superintendent, deputy superintendent, associate superintendent, and assistant superintendent and employed by the board.

(3) "Association" means an organization composed of personnel employed by the board and holding positions for which certificates are required. The certificated personnel who are members of such "association" may be all "teachers," all "administrators," or both.

(4) "Members" or "membership" means only those persons belonging to an association who are certificated personnel and who are in good standing with the association.

(5) "Administrator" means a certificated person who devotes the majority of his employed time to service as a principal, assistant principal, supervisor, coordinator, director, assistant director, administrative assistant, finance officer, or school business administrator, or who holds a position in which he evaluates or supervises teachers or recommends personnel for employment or discharge.

(6) "Teacher" means all certificated personnel who are not administrators.

(7) "Administrator unit" means certificated personnel who are members of a section or department of an association that has requested separate bargaining rights pursuant to subsection (4) of Section 3 of this Act, the members of such section or department being all administrators.

(8) "Teacher unit" means certificated personnel who are members of a section or department of an association that has requested separate bargaining rights pursuant to subsection (4) of Section 3 of this Act, the members of such section or department being all teachers.

(9) "Collective bargaining" or "bargaining" means the performance of the mutual obligation of the board as an employer, by it officers and agents, and the association, to meet and confer at reasonable times, in good faith with respect to the subjects of bargaining provided in this Act with the intention of reaching an agreement or to resolve questions arising under such an agreement. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document.

(10) "Grievance" means a claim based upon an event or condition which affects the interpretation, meaning, or application of the provisions of the collective bargaining agreement between the board and the association.

(11) "Aggrieved person" means the certificated person or persons making the claim.

(12) "Party in interest" means the certificated person or persons making the claim or any person who might be required to take action or against whom action might be taken in order to resolve the claim.

SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) On or after the effective date of this Act in each school district where at least one association exists, the board shall accept written requests for recognition from associations in the district seeking to be exclusive representative of all certificated personnel, all teachers, or all administrators in the district for purposes of collective bargaining.

(2) Associations seeking recognition by the board must submit as a part of the written request for recognition, an affidavit stating:

(a) That the request is on behalf of the membership of the association. If the request is from an association composed of both teachers and administrators, the affidavit shall state whether or not separate bargaining rights are desired by a teacher unit, an administrator unit, or both, as set forth in subsection (3) of this section.

(b) That to the best of its knowledge and belief, the association is the certified representative of more than fifty percent (50%) of certificated personnel or teachers or administrators as the case may be, employed within the district by the board.

(c) The total number of members of the association, as verified by a certified public accountant.

(d) That the certificated personnel voted by secret ballot pursuant to reasonable notice to all members in good standing to determine whether or not the association should request the board to recognize the association as the exclusive representative of all certificated personnel, all teachers, or all administrators in the district for purposes of collective bargaining.

(e) That the results of the vote indicated that a majority of the certificated personnel voted in favor of said representation.

(3) Teachers and administrators may bargain through separate associations or they may bargain jointly or separately through a single association to which all certificated personnel are eligible to belong.

(4) If separate bargaining rights are desired within an association to which all certificated personnel are eligible to belong, a teacher unit, an administrator unit, or both may be organized within the structure of the association. The association shall in such event include in its request for recognition a statement informing the board that a teacher unit, an administrator unit, or both shall require separate bargaining rights and that the basis for separate bargaining rights is a majority vote of members of the teacher unit or the administrator unit or both.

(5) Upon receipt of a request for recognition the board shall notify the chief elected officer of each association in the school district of the request in writing by certified mail and shall grant such associations the right to challenge any request prior to recognition of an association by the board. Challenges must be submitted within fifteen (15) calendar days from receipt of notice from the board and such challenge must be in the form of a request. A request shall be accompanied by either a verified statement by a Certified Public Accountant listing the total number of members in the challenging association, the fact that the members are in good standing and the fact that they constitute twenty-five percent (25%) of the certificated personnel in the challenged unit or accompanied by a petition requesting a secret ballot election signed by twenty-five percent (25%) of the certificated personnel in the unit. Even though the original request for recognition is for recognition for both a teacher unit and an administrator unit, the challenge may be directed to one or the other.

(6) If the board receives only one request for recognition, the board shall, at a time no later than its next regular meeting, issue a written statement of recognition to the association, establishing such association as the exclusive representative of all certificated personnel, all teachers, or all administrators in the district, as the case may be, for purposes of professional negotiation; provided, however, that in the event the board in good faith questions whether or not the association represents more than fifty percent (50%) of certificated personnel, or teachers or administrators, as the case may be, employed within the district by the board, the board shall not be required to issue its statement of recognition to the association unless and until such percentage representation has been verified by the superintendent of public instruction, and when a teacher unit or an administrator unit qualifies for separate negotiating rights within an association, the written statement of recognition to the association shall so state.

(7) If the board receives a challenge and request for secret ballot election for recognition of an association as representative of all certificated personnel in the teacher unit or administrator unit or both, the board shall verify that the challenge is accompanied by the requisite number of members or signatures in the challenged unit only as required under subsection (5) above. Verification shall be completed within a period of

ten (10) days after the receipt of challenge. Upon completion of the verification, the board shall fix a date for the secret ballot election which date shall not be later than thirty (30) days from the date of completion of verification. The election shall be conducted during school hours on school premises in accordance with regulations promulgated by the superintendent of public instruction who shall be guided in promulgation by the standards for the conduct of elections followed by the national labor relations board and its rules so promulgated shall not be in conflict therewith. The cost of said secret ballot election shall be borne equally by the participating associations whose names shall be listed on the ballot in alphabetical order together with a separate listing for "no association". If more votes are cast for no association than for exclusive representative of the certificated personnel in the unit then no association shall be permitted to petition for such recognition, regardless of membership, for a period of twenty-four (24) months from the date on which said secret ballot election was held. In the event one of the associations listed on the ballot has a plurality of ballots cast, that association shall be certified as the exclusive representative for all of the certificated personnel in the unit and shall remain the exclusive representative for a period of thirty-six (36) months from June 30 following the date of said election and no other qualification shall be required for such period.

(8) Written statements of recognition shall become part of the official minutes of the board.

SECTION 4. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) A board's recognition of an association for purposes of collective bargaining shall be for a period not to exceed three (3) years, beginning and ending on June 30. The term of a collective bargaining agreement shall be negotiated by a board and an association, but in no case shall the term of the agreement extend beyond the period of recognition. The recognition shall continue for an additional three (3) years unless a challenge is received within sixty (60) calendar days. If no challenges to the request for renewal are received by the board, the board shall at a time no later than ten (10) days or not later than its next regular meeting, whichever is earlier, issue a written statement of recognition. If the request for renewal is challenged, the board shall follow procedures set forth in subsections (7) and (8) of Section 3 of this Act.

(2) Thereupon, the board shall issue a statement of recognition to the proper association as set forth in subsection (1) of this section and subsections (7) and (8) of Section 3 of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) The association and board shall appoint bargaining teams for purposes of meeting and bargaining.

(2) The superintendent of schools shall comply with all reasonable requests from bargaining teams for records and information relating to subjects under negotiation and proposed subjects of bargaining. Public records and documents supplied by the superintendent to one of the bargaining teams shall also be supplied to the other.

(3) Agreements between the recognized association and the board that have been reached through bargaining shall be in written form and subscribed to by the duly authorized representatives of the board and the association. All such agreements shall become part of the official minutes of the board and the collective bargaining agreement.

SECTION 6. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) The board shall not be required to discuss and bargain matters of inherent managerial policy, including but not limited to, budget composition, utilization of technology, organizational structure, selection and direction and number of personnel.

(2) The board and the association shall, if either party so requests, discuss and bargain with each other policy matters relating to compensation, salary schedules, terms and conditions of employment, transfer of personnel and negotiation of an agreement.

(3) The association and the board shall, at all times, bargain with each other in good faith. A sincere effort shall be made by both parties to overcome obstacles to agreement in the bargaining process.

SECTION 7. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Collective bargaining in a school district shall occur when the recognized association or the board requests. Such bargaining shall be completed within ninety (90) calendar days of the original request or by an earlier date if agreed to by the recognized association and the board. If agreement upon the matter being negotiated has not been reached by the end of the ninety (90) day period, or by the date agreed upon by the association and the board, an impasse shall be presumed to exist, and the procedure for resolving an impasse as outlined in Section 8 of this Act shall be employed. Either party may, when acting in good faith, declare an impasse to exist at any stage of bargaining.

(2) Once a matter has been bargained that same matter shall not be subject to bargaining for a period of twelve (12) months from the date bargaining commenced. However, the parties may mutually agree to reopen negotiation on any matter at any time.

SECTION 8. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Upon declaration of impasse by either party or upon failure of the parties to complete bargaining before deadlines set forth in this Act and in the collective bargaining agreement, the following procedure for resolution of the impasse shall be employed: The superintendent of public instruction shall be notified and within seven (7) calendar days the board and the recognized association shall agree upon and appoint a mediator. If at the termination of the above-mentioned time period a mediator cannot be agreed upon and appointed, the party that declared the impasse shall immediately notify the superintendent of public instruction, who within ten (10) calendar days of receipt of notification shall appoint a mediator. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. Provided, that the mediator may, without the consent of both parties, make findings of fact or recommend terms of settlement. Unless both parties agree to a longer period, the mediator shall have fifteen (15) calendar days in which to assist the parties in reaching agreement on the matter that has led to impasse.

(2) If the mediator's efforts do not result in the parties reaching agreement, the second step for resolving impasse shall commence in the following manner: The board and the recognized association shall within ten (10) calendar days from the expiration of the mediator's working period each select one (1) person to serve on a fact finding committee. A third person who shall serve as committee chairman shall be selected jointly by the other two (2) committee members. No committee member shall be a member of the board or the association. If within ten (10) calendar days from their appointment the two (2) committee members are unable to agree upon the choice of a chairman, the party that declared the impasse shall so notify the circuit court of the county in which the board is located, which shall appoint a chairman within ten (10) calendar days of receipt of notification. The committee members shall investigate, make findings of fact, and after consultation and vote, recommend a solution. The written findings and recommendations of the committee shall be presented to the parties within thirty (30) calendar days from the time the chairman is appointed. Such recommendation shall be advisory only.

(3) The board and the association shall adopt or reject the recommendations of the fact finding committee at its next regular meeting or by a date agreed to by the recognized association and the board.

(4) It shall be unlawful for the recognized association to cause or authorize any of its members to take part in a strike, slowdown, walkout, sickout or any other action disrupting the orderly and continuous conduct of the public schools, and it shall be further unlawful for any teacher or administrator to take part in a strike, slowdown, walkout, sickout or any other action disrupting the orderly and continuous conduct of the public schools. Violation of this provision shall be grounds for the board to suspend or dismiss any employe participating therein; or to seek injunctive relief; or to request the circuit court to impose fines for contempt of court either against the association in an amount not to exceed $500 per day or any employe not to exceed $100 per day for any or all of the foregoing acts.

(5) Nothing in this section shall be construed to prohibit the parties from voluntarily agreeing to submit any or all of the issues in dispute to final and binding arbitration.

SECTION 9. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

Certificated personnel shall have the right to join or not to join any association for their professional or economic improvement.

SECTION 10. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

Expenses of advisors selected jointly by the board and the association and expenses of persons required to be appointed by the superintendent of public instruction or the circuit court shall be shared equally by the board and the association. The board shall pay the expenses of any person it appoints or selects, and the association shall pay the expenses of any person it appoints or selects. Expenditures required under this Act are conclusively presumed to be for the direct benefit of the public schools and for a valid school purpose.

SECTION 11. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Boards and associations reaching agreements, as described in Section 5(3), shall adopt a grievance procedure pursuant to Sections 12, 13 and 14 of this Act, or some other grievance procedure negotiated by the parties and contained in the agreement. The purpose of any such grievance procedure shall be to secure at the lowest possible administrative level, equitable solutions to the problems that may from time to time arise affecting the interpretation, meaning or application of the provisions of the agreement between the association and the board. The proceedings will be kept informal and confidential at any level of the procedure, but may be made public within three (3) days of the conclusion of the final arbitration.

(2) Nothing contained herein will be construed as limiting the right of any member having a grievance to discuss the matter informally with any appropriate member of the administration, and to have the grievance

adjusted without intervention by the association.

(3) The grievance procedures contained in Sections 12, 13 and 14 of this Act shall not be applicable to any agreement unless specifically adopted by the terms of such agreement.

SECTION 12. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Grievances must be processed as rapidly as possible and the timetable specified at each level is to be considered as a maximum. Every effort should be made to expedite the process but the time limits specified may be extended by mutual agreement. In the event a grievance is filed at such a time that it cannot be processed through all the steps in the grievance procedure by the end of the school year and, if left unresolved until the beginning of the following school year, could result in irreparable harm to a party in interest, the time limits set forth herein shall be reduced so that the procedure will be exhausted prior to the end of the school year or as soon thereafter as is practicable. No grievance may be filed later than three (3) months after the event that allegedly caused it.

(2) Level One. A member with a grievance will first discuss it with his principal or immediate superior, either directly or through the association's designated grievance representative, with the objective of resolving the matter informally.

(3) Level Two.

(a) If the aggrieved person is not satisfied with the disposition of his grievance at Level One, or if no decision has been rendered within ten (10) school days after presentation of the grievance, he may file the grievance in writing simultaneously with the chairman of the grievance committee, as established by the association, and with the superintendent within five (5) school days after the decision at Level One or fifteen (15) school days after the grievance was presented, whichever is sooner.

(b) Within ten (10) school days after receipt of the written grievance by the superintendent, he will meet with the aggrieved person and a representative of the association in an effort to resolve it.

(4) Level Three.

(a) If the aggrieved person is not satisfied with the disposition of his grievance at Level Two, or if no decision has been rendered within ten (10) school days after he has first met with the superintendent, he may, within five (5) school days after a decision by the superintendent or fifteen (15) school days after he has first met with the superintendent, whichever is sooner, request in writing that the chairman of the grievance committee submit his grievance to arbitration. If the grievance committee determines that the grievance should be submitted to arbitration, the grievance committee may, by written notice to the superintendent within fifteen (15) school days after receipt of the request from the aggrieved person, submit the grievance to arbitration. If the grievance committee does not submit the grievance to arbitration, the aggrieved person may do so by written notice to the superintendent within five (5) school days after refusal to submit by the grievance committee. The arbitrator selected to hear the dispute shall first rule on the question as to whether the particular grievance involves the interpretation, meaning or application of any of the provisions of the agreement between the association and the board.

(b) Within ten (10) school days after such written notice of submission to arbitration, the superintendent and the grievance committee shall attempt to agree upon a mutually acceptable arbitrator and to obtain a commitment from such arbitrator to serve. The aggrieved person shall take the place of the grievance committee when the grievance committee has declined to submit the grievance to arbitration. If the parties are unable to agree upon an arbitrator or to obtain such a commitment within the ten-day period, a request for a list of arbitrators may be made to the american arbitration association by either party. The parties will then be bound by the rules and procedures of the american arbitration association in the selection of an arbitrator.

(c) The arbitrator so selected will confer with the superintendent, the grievance committee, and the aggrieved person, hold hearings promptly, and issue his decision not later than twenty (20) days from the date of the close of the hearings or, if oral hearings have been waived, then from the date the final statements and proofs are submitted to him. The arbitrator's recommendations will be in writing and will set forth his findings of fact, reasoning and conclusions on the issues submitted. The arbitrator shall be without power or authority to make any decision that requires the commission of an act prohibited by law or that is violative of the terms of the agreement. The decision of the arbitrator will be submitted to the board and the association.

(d) In all arbitration hearings the procedural rules of the american arbitration association in effect at the time the grievance is originally filed shall be used to the extent that such rules do not conflict with this Act or the negotiated agreement.

(e) The costs for the services of the arbitrator, including per diem expenses, if any, and his travel and subsistence expenses and the cost of any hearing room shall be borne equally by the board and the association except when the aggrieved person pursues arbitration without the recommendations of the grievance committee. In such latter case the costs shall be borne equally by the board and the aggrieved person. All other costs shall be borne by the party incurring them.

SECTION 13. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) No reprisals of any kind will be taken by the superintendent or by any member or representative of the administration or the board against any aggrieved person, any party in interest, any grievance representative, any member of the grievance committee or any other participant in the grievance procedure by reason of such participation.

(2) A member may be represented at all stages of the grievance procedure by himself, or, at his option, by a grievance representative, selected by the association. The association or aggrieved party shall not be restricted in the selection of a grievance representative and it is not necessary that the person selected be a member of the association or an employe of the board. The association or aggrieved party may choose to change grievance representatives in moving from one (1) level of grievance procedure to another, provided the board is notified in writing of such change.

(3) References to the superintendent in Sections 5, 12, 13, and 14 shall be construed to include such other person or persons that the superintendent or board may designate as a representative for the purpose of carrying out the provisions of said sections.

(4) If a member is not represented by the association, the association shall have the right to present and state its views at all stages of the grievance procedure. When the association enters into the grievance procedure, it may present new facts but shall be restricted to the grievance as originally presented.

SECTION 14. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) If, in the judgment of the grievance committee, a grievance affects a group or class of members, the grievance committee may initiate and submit such grievance in writing to the superintendent directly and the processing of such grievance shall be commenced at Level Two.

(2) If a grievance arises from action or inaction on the part of a member of the administration at a level above the principal or immediate superior, the aggrieved person shall submit such grievance in writing to the superintendent and the grievance committee directly and the processing of such grievance shall be commenced at Level Two. The grievance committee may not process such a grievance if the aggrieved person does not wish to do so.

(3) Decisions rendered at Levels One and Two of the grievance procedure shall be in writing setting forth the decision and the reasons therefor and shall be transmitted promptly to all parties in interest and to the chairman of the grievance committee. Decisions rendered at Level Three will be in accordance with the procedures set forth in Section 12, (4)(d).

(4) If it is necessary for a grievance representative, member of the grievance committee or other representative designated by the association to investigate a grievance or attend a grievance meeting or hearing during the school day, he will, upon reasonable notice to his principal or immediate superior by the chairman of the grievance committee, be released without loss of pay as reasonably necessary in order to permit participation in the foregoing activities so long as such activities do not unreasonably interfere with the normal school routines and business, provided, however, if the school administrator determines that such meeting unduly interferes with school business such meeting shall be held at a time other than normal school hours. Any member whose appearance in such investigations, meetings, or hearings as a witness is necessary will be accorded the same right.

(5) All documents, communications, and records dealing with the processing of a grievance will be filed in a separate grievance file and no record or notation of any kind, concerning a grievance, will be placed in the personnel file of any of the participants.

(6) Forms for filing grievances, serving notices, taking appeals, making reports and recommendations, and other necessary documents shall be prepared and distributed by the department of labor.

(7) To accomplish the provisions prescribed in Section 14(6), there is hereby appropriated to the responsible department of state government the sum of $10,000.

SECTION 15. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

The provisions of this Act shall not abridge the recognition of or agreement with any employe organization which is in effect at the effective date of this Act.

SECTION 16. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

No collective bargaining agreement shall contain any provision that would be in violation of any statute enacted by the General Assembly or any administrative regulation promulgated in accordance with the provisions of KRS Chapter 13.

Section 17. The effective date of this Act shall be January 1, 1979.

The Committee Amendment to **SB 88** is as follows:

Amend printed copy of **SB 88,** page 7, line 10, by deleting the words "superintendent of public instruction" and inserting in lieu thereof the words "department of labor";

and on page 8, line 3, by deleting the words "superintendent of public instruction" and inserting in lieu thereof the words "department of labor";

and on page 12, lines 4 and 5, by deleting the words "superintendent of public instruction" and inserting in lieu thereof the words "department of labor";

and on page 12, line 11, by deleting the words "superintendent of public instruction" and inserting in lieu thereof the words "department of labor";

and on page 13, line 12, by adding after the word "chairman" the following: "from a list of names provided by the department of labor";

and on page 14, line 26, by deleting the words "superintendent of public instruction" and inserting in lieu thereof the words "department of labor";

and on page 23, line 9, by deleting subsection (7) in its entirety;

and on page 23, line 17, after the word "Act." by adding the following: "Where local associations and boards have already agreed to bargain certain items, such agreement shall not be abridged by legislation passed subsequent to such agreement.".

SB 209, AN ACT relating to the practice of optometry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 320.210 is amended to read as follows:
As used in this chapter, unless the context requires otherwise:
(1) "Board" means the Kentucky board of optometric examiners;
(2) "Practice of optometry" means the employment of any means other than the use of drugs, *except the administration of diagnostic pharmaceutical agents as authorized in KRS 320.240,* medicine or surgery to examine the human eye, to determine the visual efficiency of the human eye, or to determine the powers or defects of vision; the prescribing, providing, furnishing, adapting, using or employing lenses, prisms, contact lenses, visual training, orthoptics, ocular exercise or any other means or device other than the use of drugs, *except diagnostic pharmaceutical agents as authorized in KRS 320.240,* medicine or surgery for the aid, relief or correction of vision;
(3) "Visual aid glasses" means eyeglasses, spectacles or lenses designed or used to correct visual defects; Provided, however, That nothing in the provisions of this chapter relating to the practice of optometry shall be construed to limit or restrict, in any respect, the sale of sunglasses designed and used solely to filter out light; and further provided that nothing in this chapter relating to the practice of optometry shall be construed to limit or restrict, in any respect, the sale of completely assembled eyeglasses or spectacles designed and used solely to magnify;
(4) An orthoptic technician is a person who trains and directs individuals to engage in ocular exercises designed to correct visual defects, and shall not be required to be licensed under the provisions of this chapter provided that such training and directions are done pursuant to and under the instructions of a duly licensed physician, osteopath or optometrist and consists solely of visual training, orthoptics or ocular exercises.

Section 2. KRS 320.240 is amended to read as follows:
(1) The board shall meet at least once each year at which time it shall choose from among its members the president, vice-president, and secretary-treasurer. In addition, the board upon call of its officers, may hold meetings at such time as it deems necessary. The secretary-treasurer shall keep a full record of its proceedings which shall be open to inspection at all reasonable times.
(2) The board shall keep a register containing the name, address and license number of every person licensed to practice optometry in this state.
(3) The attorney general shall render to the board such legal services as it may require in carrying out and enforcing the provisions of this chapter.

(4) Subject to and consistent with the provisions of this chapter, the board shall make and promulgate reasonable rules and regulations and do any and all things which it may deem necessary or proper for the effective enforcement of this chapter and for the full and efficient performance of its duties hereunder and the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists.

(5) The board shall have a common seal.

(6) The board shall have authority to administer oaths and to require the attendance of witnesses, the production of books, records and papers pertinent to any matters coming before the board by the issuance of process which shall be served and returned in the same manner as in civil actions and for the disobedience of which the board shall have the power to invoke the same rights as are provided in the event of disobedience of a subpoena or subpoena duces tecum in a civil action.

(7) The board shall make rules and regulations governing applicants and applications for registration or license under this chapter and governing the conduct of licensing examinations.

(8) The board shall from time to time accredit schools and colleges teaching optometry, the graduates of which shall be eligible to licensing examinations.

(9) The board shall have the right to determine what acts on the part of any person licensed as an optometrist in this state shall constitute unprofessional conduct under this chapter.

(10) The board shall have authority, to assist in the prosecution of any violation of this chapter and in the enforcement of any of the provisions of this chapter.

(11) The board shall have such other powers and duties as may be provided in the provisions of this chapter.

(12) The board shall make a report of its proceedings to the governor on or about January 1st of each year, including an accounting of all moneys received and disbursed.

(13) The board may authorize persons engaging in the practice of optometry under the provisions of this chapter to administer diagnostic pharmaceutical agents limited to miotics for emergency use only, mydriatics, cycloplegics, and anesthetics applied topically only, but excluding any drug classified as a controlled substance pursuant to KRS Chapter 218A. These pharmaceutical agents shall be applied in diagnostic procedures only as part of an eye examination. The application of such diagnostic pharmaceutical agents shall be limited to those persons who have sufficient education and professional competence as determined by the board and who have earned transcript credits of at least six (6) semester hours in a course or courses in general and ocular pharmacology, with particular emphasis on diagnostic pharmaceutical agents applied topically to the eye, from a college or university accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or by the United States office of education.

(14) Any optometrist authorized by the board to utilize diagnostic pharmaceutical agents shall be permitted to purchase for use in the practice of optometry diagnostic pharmaceutical agents limited to miotics for emergency use only, mydriatics, cycloplegics, and anesthetics to be applied topically only. Optometrists so authorized by the board to purchase diagnostic pharmaceutical agents shall obtain them from licensed drug suppliers or pharmacists on written orders placed in the same or similar manner as any physician or other practitioner authorized by KRS Chapter 217 to obtain drugs, however, purchases shall be limited to those pharmaceutical agents specified in this subsection and in subsection (13) of this section and shall be on purchase order forms provided by the board.

SECTION 3. A NEW SECTION OF KRS CHAPTER 320 IS CREATED TO READ AS FOLLOWS:

Nothing in this chapter shall interfere with the professional activities of any optometrist licensed by the Kentucky board of optometric examiners, or prevent him from keeping any pharmaceutical agent that he may need and is authorized to use in his practice.

Section 4. KRS 217.015 is amended to read as follows:

For the purpose of KRS 217.005 to 217.215:

(1) The term "secretary" means the secretary for human resources;

(2) The term "department" means the department for human resources;

(3) The term "person" includes individual, partnership, corporation, and association;

(4) The term "food" means:

(a) Articles used for food or drink for man or other animals;

(b) Chewing gum; and

(c) Articles used for components of any such article;

(5) The term "drug" means:

(a) Articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; and

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and

(c) Articles (other than food) intended to affect the structure or any function of the body of man or other animals; and

(d) Articles intended for use as a component of any article specified in this subsection but does not include devices or their components, parts, or accessories;

(6) The term "device" (except when used in subsection (12) of this section and in subsection (10) of KRS 217.175, subsection (6) of KRS 217.035, subsection (3) of KRS 217.065, and subsection (3) of KRS 217.095) means instruments, apparatus and contrivances, including their components, parts and accessories, intended:

(a) For use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or

(b) To affect the structure or any function of the body of man or other animals;

(7) The term "cosmetic" means:

(a) Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance; and

(b) Articles intended for use as a component of any such articles, except that such term shall not include soap;

(8) The term "official compendium" means the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, official national formulary, or any supplement to any of them;

(9) The term "label" means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by or under authority of KRS 217.005 to 217.215 that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper;

(10) The term "immediate container" does not include package liners;

(11) The term "labeling" means all labels and other written, printed or graphic matter:

(a) Upon an article or any of its containers or wrappers; or

(b) Accompanying such article;

(12) If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual;

(13) The term "advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food, drugs, devices, or cosmetics;

(14) The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body;

(15) The term "new drug" means:

(a) Any drug the composition of which is such that such drug is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or

(b) Any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions;

(16) The term "contaminated with filth" applies to any food, drug, device, or cosmetic not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations;

(17) The provisions of KRS 217.005 to 217.215 regarding the selling of food, drugs, devices, or cosmetics, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such articles in the conduct of any food, drug, or cosmetic establishment;

(18) The term "federal act" means the federal food, drug and cosmetic act; (title 21 U.S.C. 301 et seq.; 52 stat. 1040 et seq. or amendments thereto)

(19) The term "flour" includes and shall be limited to the foods, commonly known as flour, white flour, wheat flour, plain flour, bromated flour, self-rising flour, self-rising white flour, self-rising wheat flour, phosphated flour, phosphated white flour, and phosphated wheat flour, defined under the federal act;

(20) The term "enriched" as applied to flour, means the addition to flour of vitamins and other nutritional ingredients necessary to make it conform to the definition and standard of "enriched" flour as defined under the federal act;

(21) The terms "bread" and "enriched bread" include, and shall be limited to, the foods commonly known and described as "white bread," "white rolls," "white buns," "enriched white bread," "enriched rolls," and "enriched white buns," as defined under the federal act;

(22) The term "filled milk" means any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, except the fat or oil of contained eggs and nuts and the fat or oil of substances used for flavoring purposes only, so that the resulting product is an imitation or semblance of milk, cream, skimmed milk, ice cream mix, ice cream, or frozen desserts, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, whether in bulk or in containers, hermetically sealed or unsealed. This definition does not mean or include any milk or cream from which no part of the milk or butter fat has been extracted, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added any substance rich in vitamins, nor any distinctive proprietary food compound not readily mistaken for milk or cream or for condensed, evaporated, concentrated, powdered, dried, or desiccated milk or cream, if such compound is prepared and designed for the feeding of infants or young children, sick or infirm persons, and customarily used on the order of a physician, and is packed in individual containers bearing a label in bold type that the contents are to be used for those purposes; nor shall this definition prevent the use, blending or compounding of chocolate as a flavor with milk, cream or skimmed milk, desiccated, whether in bulk or in containers, hermetically sealed or unsealed, to or with which has been added, blended or compounded no other fat or oil other than milk or butter fat;

(23) The term "practitioner" means medical or osteopathic physicians, dentists, chiropodists, and veterinarians who are licensed under the professional licensing laws of Kentucky to prescribe and administer drugs and devices, *it shall also include optometrists when administering the diagnostic pharmaceutical agents authorized in subsections (13) and (14) of KRS 320.240;*

(24) The term "prescription" means a written or oral order for a drug or medicine, or combination or mixture of drugs or medicines, or proprietary preparation, signed or given or authorized by a medical, dental, chiropody or veterinarian practitioner, and intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

(25) The term "federal meat inspection act" means the federal meat inspection act, (title 21 U.S.C. 71 et seq.; 34 stat. 1260 et seq. including any amendments thereto)

(26) The term "federal poultry products inspection act" means the federal poultry and poultry products inspection act. (Title 21 U.S.C. 451 et seq.; public law 85-172; 71 stat. 441 including any amendments thereto)

The Committee on Cities reported **HB 646** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 646, AN ACT relating to city civil service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 90.150 is amended to read as follows:

(1) The classified service covered by KRS 90.110 to 90.230, and hereby placed under the jurisdiction of the board, includes all offices, positions, and places of employment, except as herein provided, in the following departments and agencies in the service of the city, to wit: The department of public safety, the department of public health, the department of public welfare, and the civil service board. If any of such offices, positions or places of employment are transferred to or combined or consolidated with any other department or agency of or serving the city, the offices, positions or places of employment shall continue to be covered by KRS 90.110 to 90.230. The classified service also includes all other offices and positions and places of employment in other departments or agencies of the city or serving the city to which the classified service may be hereafter extended pursuant to the provisions of KRS 90.210 or any other law.

(2) The following offices, positions, and places of employment, in the departments and agencies hereinabove specifically named, are excluded from the classified service, to wit:

(a) The director of safety and the following positions in that department, to wit: the director of safety's staff, including, but not limited to assistants and his private secretary, the chief of police *and his private secretary,* assistant chief of police, chief of detectives, chief of firemen *and his private secretary,* assistant chief of firemen; superintendent and animal catchers, and caretakers, in the division of city pound; supervising inspector of weights and measures, and inspector of weights and measures, and deputy inspector, in the division of weights and measures.

(b) The director of health and the following positions in that department, to wit: Private secretary, kitchen helpers, cleaners, waitresses, housemaids, janitresses, laundresses, hospital resident medical staff, university visiting staff, student nurses, bona fide university students.

(c) The director of welfare and the following positions in that department, to wit: Private secretary, janitors, cleaners, laundresses, night watchman, truck drivers, kitchen helpers, janitresses, park laborers, bona fide university students.

(d) Members of the civil service board and the personnel director.

(3) The offices, positions, and places of employment excluded by paragraphs (a), (b), (c) and (d) of subsection (2) from the classified service may be placed in the classified service, in accordance with the provisions of KRS 90.210, except that the offices or positions of director of safety including his staff, chief of police, assistant chief of police, chief of detectives, chief of firemen, assistant chief of firemen, director of health, director of welfare, and members of the civil service board shall not be placed in the classified service.

(4) Any classified employe in the department of safety, who accepts an appointment and qualifies as chief of police, assistant chief of police, chief of detectives, chief of firemen, or assistant chief of firemen, shall be deemed to have received a leave of absence from the classified service for and during the incumbency of any of those respective positions. Should any chief or assistant chief, or chief of detectives, cease to serve as such, there shall be restored to him the same classification and rank which he held prior to his appointment.

The Committee on State Government reported **HB 319,** with Committee Substitute No. 2 attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

HB 319, AN ACT relating to state legislative districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.031 is amended to read as follows:

The Commonwealth of Kentucky is divided into representative districts as follows:

(1) First District: Ballard, Carlisle, Fulton, and Hickman Counties.

(2) Second District: Graves County.

(3) Third District: That part of McCracken County contained in the city of Paducah.

(4) Fourth District: Livingston County and that part of McCracken County not contained in the Third District.

(5) Fifth District: Calloway County and that part of Trigg County *contained in the voting precincts of Canton, West Cadiz, South Cadiz 1 and South Cadiz 2* [west of Kentucky Highway 139 and including the city of Cadiz].

(6) Sixth District: Lyon and Marshall Counties and Crittenden County except for voting precincts Marion 4, Marion 6, Rosebud 11, and Shady Grove 12.

(7) Seventh District: Union County; that part of Henderson County not contained in the Eleventh District; that part of Daviess County contained in the voting precincts of Pleasure Ridge, Utica, Snyder School, West Louisville, Curdsville, St. Joseph, Rome, Sorgo, Masonville, Stanley, North Town, South Town, Fields, Habit.

(8) Eighth District: That part of Trigg County *contained in the voting precincts of North Cadiz 1, North Cadiz 2, Wallonia, Cerulean, Bethesda, Maggie and Caledonia-Roaring Spring* [east of Kentucky Highway 139 but excluding the city of Cadiz]; that part of Christian County contained within the following voting precincts: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25.

(9) Ninth District: That part of Christian County contained within the following voting precincts: 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32; that part of Hopkins County contained within the following voting precincts: 14, 16, 17.

(10) Tenth District: Hopkins County except for voting precincts: 14, 16, 17.

(11) Eleventh District: Henderson County, except for the voting precincts of South Corydon, Niagara and Hebbardsville, and that portion of the county lying south of Kentucky Highway 416, beginning at its junction with U.S. 41A and proceeding eastward to its junction with Niagara precinct.

(12) Twelfth District: Caldwell and Webster Counties; that part of Crittenden County not included in the Sixth District; that part of McLean County not contained in the Fifteenth District.

(13) Thirteenth District: That part of Daviess County contained in the city of Owensboro but excluding the following voting precincts: 4, 6, 7, 10, 11, 15, 17, 18, 19, 20, 32.

(14) Fourteenth District: That part of Daviess County not contained in the Seventh District or in the Thirteenth District.

(15) Fifteenth District: Muhlenberg County and that part of McLean County contained in voting precincts: 2, 3, 6, 8.

(16) Sixteenth District: Todd and Logan Counties.

(17) Seventeenth District: Hancock, [and] Ohio [Counties] and *Butler Counties* [that part of Butler County not contained within the Nineteenth District].

(18) Eighteenth District: Meade County and Breckinridge County [except the voting precincts of McDaniels, Glen Dean].

(19) Nineteenth District: Edmonson and Grayson Counties; [that part of Breckinridge County contained in voting precincts of McDaniels and Glen Dean; that part of Butler County included in the census county division of Jetson, bounded by Welch Creek, Blacklick School Road, State Highway 411, county line, Green River, Woodbury city limits, Green River, Welch Creek; and including the cities of Morgantown and Woodbury; and including census enumeration district No. 8, bounded by Green River, Morgantown city limits, State Highway 403, Cool Spring Church Road, unnamed road, U.S. Highway 231, Muddy Creek and county line;] that part of Hart County contained in voting precincts: 3, 13, 14, 16, 17.

(20) Twentieth District: That part of Warren County containing all of the city of Bowling Green excluding the voting precincts of Reels Garage, Octogan Inn, Green Meadows and Delefield but including the voting precincts of Miller's Bottled Gas, Watts Mill and Mt. Victor.

(21) Twenty-first District: That part of Simpson County contained in the voting precincts of Harristown, Public School, West Door and Prospect Hill and that part of Warren County not contained in the Twentieth District.

(22) Twenty-second District: Allen and Monroe Counties, and that part of Simpson County not contained in the Twenty-first District.

(23) Twenty-third District: Barren County and that part of Metcalfe County containing voting precincts Randolph-Wisdom No. 3, Knob Lick No. 4, Savoyard No. 5, Summer Shade No. 8 and Willow Shade-Beaumont No. 9.

(24) Twenty-fourth District: Larue County; that part of Hart County not contained in the Nineteenth District; that part of Marion County not contained in the Fifty-fourth District.

(25) Twenty-fifth District: That part of Hardin County contained in the voting precincts of Elizabethtown East, Elizabethtown West, Elizabethtown Northeast, Elizabethtown Northwest, Elizabethtown North, Helmwood Heights, Mantle, Valley Creek, City Park, Colesburg, Tunnel Hill, Helm, Chelf, Van Meter, South Dixie, Glendale, Nolin, Sonora, Upton, Melrose and White Mills, and that part of the Fort Knox Military Reservation that lies east of a line beginning at the intersection of the southern boundary of the Fort Knox Military Reservation and State Road 447, and extends northward along State Road 447 and a line extending northward through Pleasant View Cemetery and Fort Hill Cemetery and Fort Hill Cemetery to the Jefferson County line at Salt River.

(26) Twenty-sixth District: That part of Hardin County contained in the voting precincts of Radcliff North, Radcliff South, Radcliff West, Vine Grove North, Vine Grove South, Vine Grove West, Longview, Yates, Rineyville, Howevalley, St. John, Cecilia, East View, Meeting Creek, and Long Grove and that part of the Fort Knox Military Reservation not included in the Twenty-fifth and Twenty-seventh Districts.

(27) Twenty-seventh District: That part of Hardin County not contained in the Twenty-fifth and Twenty-sixth Districts, that part of the Fort Knox Military Reservation whose southern boundary is Chaffee Avenue extended westward to the Hardin-Meade County line and eastward to State Road 447, thence northward on State Road 447 and a line extending northward through Pleasant View Cemetery and Fort Hill Cemetery to the Jefferson County line at Salt River and that part of Jefferson County contained in voting precincts C8, C18, C19, C23, C44, C53, C70 and C87 of C District of the county.

(28) Twenty-eighth District: That part of Jefferson County containing voting precincts C7, C31, C33, C40, C43, C45, C47, C56, C57, C58, C65, C66, C72, C73, C78, C79, C82, C90 and C91 of C District of the county.

(29) Twenty-ninth District: That part of Jefferson County containing voting precincts C5, C6, C11, C21, C30, C34, C39, C46, C50, C54, C55, C59, C60, C64, C67, C69, C71, C74, C75, C80, C81, C85, and C94 of C District of the county.

(30) Thirtieth District: That part of Jefferson County containing voting precinct 37 of the Third Ward of the city of Louisville, and voting precincts B7, B10, B13, B14, B15, B18, B19, B21, B22, B24, B38, B42, B43, B48, B54, B58, B64 and B67 of B District of the county.

(31) Thirty-first District: That part of Jefferson County containing voting precincts 16, 17, 19, 26, 29, 34, 35, 36 and 38 of the Second Ward of the city of Louisville; voting precincts A22, *A35*, A36, [A38,] A39, A43, [A50,] A63, *A80, A81* and *A123* [A74] of A District of the county, and voting precincts B4, B5, B6, B9, B17, B27, B28, B35, B39, B45, B55, B56 and B68 of B District of the county.

(32) Thirty-second District: That part of Jefferson County containing voting precincts 3, 4, 5, 6, 7, 9, 10, 13, 14, 20, 21, 23, 24, 25, 27, 28, 29, 30, 32 and 33 of the First Ward; voting precincts 1, 2, 3, 4, 5 and 6 of the Second Ward; voting precincts 1 and 2 of the Third Ward of the city of Louisville, and voting precincts A2, A5, A18, A19, A26, A29, A34, A49, A51, A60 and A73 of A District of the county.

(33) Thirty-Third District: That part of Jefferson County containing voting precincts 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 20, 21, 23, 24, 27, 28, 30, 31, 32 and 33 of the second ward of the city of Louisville; voting precinct A 17 of A District of the county, and voting precincts B1, B2, B3, B29, B30, B31, B33, B34, B59 and B70 of B District of the county.

(34) Thirty-fourth District: That part of Jefferson County containing voting precincts 11, 12, 16, 17 and 19 of the First Ward, and voting precincts 7, 8, 9, 10, 11, 12, 14, 15, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35 and 36 of the third ward, voting precinct 11 of the fifth ward of the city of Louisville, and voting precinct B16 of B District of the county.

(35) Thirty-fifth District: That part of Jefferson County containing voting precincts 17 and 29 of the Third Ward, and voting precincts 5A, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 25, 26, 27, 28, 29, 30, 32, and 33 of the Fourth Ward, voting precincts 10 and 13 of the Eighth Ward of the city of Louisville, and voting precincts B8, B11, B12 and B32 of B District of the county.

(36) Thirty-sixth District: That part of Jefferson County containing voting precinct 15 of the First Ward; voting precincts 13 and 16 of the Third Ward; voting precincts 21 and 23 of the Fourth Ward; voting precincts 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of the Fifth Ward, voting precincts 9, 11, 12 and 14A of the Eighth Ward of the city of Louisville.

(37) Thirty-seventh District: That part of Jefferson County containing voting precinct 34 of the Fourth Ward, voting precincts 4, 6, 7, 8, 9, 10, 11, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 29 of the Sixth Ward, and voting precincts 6, 8 and 9 of the Seventh Ward, voting precinct 16 of the Eighth Ward of the city of Louisville, and voting precincts C24 and C88 of C District of the county.

(38) Thirty-eighth District: That part of Jefferson County containing voting precincts 12, 13, 15, 16, 27, 28, 30, 31, and 32 of the Sixth Ward, voting precincts 3A, 5, 7, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the Seventh Ward of the city of Louisville.

(39) Thirty-ninth District: That part of Jefferson County containing voting precincts 1, 2 and 31 of the First Ward, voting precincts 2, 3, and 4 of the Fifth Ward, voting precinct 5 of the Sixth Ward, voting precincts 1, 2, 3, 4, 5, 6, 7, 8 and 15 of the Eighth Ward, and voting precinct 21 of the Ninth Ward, voting precincts 3, 18, 19 and 27 of the Tenth Ward of the city of Louisville.

(40) Fortieth District: That part of Jefferson County containing voting precincts 2 and 4 of the Seventh Ward, voting precincts 17, 18, 19, 20 and 21 of the Eighth Ward, voting precincts 8, 10, 11, 12, 13, 14A, 15A, 16, 17 and 18 of the Ninth Ward, and voting precincts 22, 23, 24, 25 and 26 of the Tenth Ward of the city of Louisville, and voting precincts C9, C25, C27, C35, C51, C63 and C68 of C District of the county.

(41) Forty-first District: That part of Jefferson County containing voting precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21 and 28 of the Tenth Ward, voting precincts 1, 5, 9, 18, 19, 20 and 21A of the Eleventh Ward of the city of Louisville.

(42) Forty-second District: That part of Jefferson County containing voting precincts 1, 2, 3, 4, 5, 6, 7A, 9, 19 and 20 of the Ninth Ward, voting precincts 8, 10, 11, 12, 13, 14, 15, 16 and 17 of the Eleventh Ward, and voting precincts 21, 22, 23, 24 and 25 of the Twelfth Ward of the city of Louisville.

(43) Forty-third District: That part of Jefferson County containing voting precincts 2, 3, 4, 6 and 7 of the Eleventh Ward, and voting precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11A, 12, 13, 14, 15, 16A, 17, 18, 19 and 20 of the Twelfth Ward of the city of Louisville.

(44) Forty-fourth District: That part of Jefferson County containing voting precincts C1, C2, C3, C4, C10, C13, C15, C20, C26, C28, C29, C36, C37, C38, C41, C48, C49, C52, C62, C76, C77, C86, C92 and C93 of C District of the county.

(45) Forty-fifth District: That part of Jefferson County containing voting precincts B23, B63, and B66 of the B District of the county; voting precincts C12, C14, C16, C17, C22, C32, C42, C61, C83, C84 and C89 of C District of the county.

(46) Forty-sixth District: That part of Jefferson County containing voting precincts B20, B25, B26, B36, B37, B40, B41, B44, B46, B47, B49, B50, B51, B52, B53, B57, B60, B61, B62, B65 and B69 of B District of the county.

(47) Forty-seventh District: That part of Jefferson County containing voting precincts A4, A6, A8, A12, A13, A15, A16, A20, A21, A23, A24, A25, A27, A28, A31, A32, A33, [A35,] A37, *A38,* A41, A42, A45, A46, *A50,* A53, A58, A64, A68, A69, A71, A72, *A74,* A77, *A136* [A80] and *A149* [A81] of A District of the county.

(48) Forty-eighth District: That part of Jefferson County containing voting precincts A1, A3, A7, A9, A10, A11, A14, A30, A40, A44, A47, A48, A52, A54, A55, A56, A57, A59, A61, A62, A65, A66, A67, A70, A75, A76, A78 and A79 of A District of the county.

(49) Forty-ninth District: Bullitt and Spencer Counties.

(50) Fiftieth District: Nelson County; that part of Washington County not contained in the Fifty-fourth District; that part of Anderson County contained in voting precincts 10, 11.

(51) Fifty-first District: Green and Taylor Counties, and that part of Metcalfe County not contained in the Twenty-third District.

(52) Fifty-second District: Adair and Casey Counties and that part of Russell County not contained in the Fifty-third District.

(53) Fifty-third District: Wayne, Clinton and Cumberland Counties; that part of Russell County contained within the county census division of Eli bounded by: State Highway 80; county line, Lake Cumberland, Caney Creek, Caney Fork, Clear Fork, Dunbar Trail, Dunbar Road, West Wilson Road, State Highway 80, that part of Russell County contained within the county census division of Bryan bounded by: State Highway 92, Greasy Creek, Bethel Creek Fork, Blankenship Road, State Highway 55, Helen Road, State Highway 35, county line.

(54) Fifty-fourth District: Boyle County; that part of Marion County contained in voting precincts 1, 2, 3; that part of Washington County contained in voting precincts 5, 6, 7, 8, 9, 10.

(55) Fifty-fifth District: Garrard and Mercer Counties; that part of Anderson County not contained in the Fiftieth District.

(56) Fifty-sixth District: Jessamine and Woodford Counties.

(57) Fifty-seventh District: Franklin County.

(58) Fifty-eighth District: Henry and Shelby Counties.

(59) Fifty-ninth District: Carroll, Gallatin, Oldham, and Trimble Counties.

(60) Sixtieth District: Boone County.

(61) Sixty-first District: Bracken, Grant and Owen Counties and Pendleton County except for the voting precincts of Bonar and Sandsuck.

(62) Sixty-second District: Harrison and Scott Counties.

(63) Sixty-third District: That part of Kenton County containing the following voting precincts: Crestview, Edgewood 1, 2 and 3; Elsmere 4; Erlanger 1, 2, and 7; Fort Mitchell 1, 2, 3, 4, 5 and 6; Fort Wright 1, 2, 3, 4 and 5; Lakeside Park 1, 2 and 3; Park Hills 1, 2 and 3; and Sandfordtown.

(64) Sixty-fourth District: That part of Kenton County containing the following voting precincts: Bracht, Cherokee, Covington 26, 27, 29, 30, 40, 41, 42 and 43, Decoursey, Independence 1 and 2, Morningview, Nicholson, Oakridge, Piner, Richardson, Taylor Mill 1 and 2, Visalia, Whites Tower, Winston Park.

(65) Sixty-fifth District: That part of Kenton County containing the following voting precincts: Covington 12, 14, 15, 17, 18, 19, 20, 20A, 23, 24, 25, 31, 33, 34, 35, 36 and 39.

(66) Sixty-sixth District: That part of Kenton County containing the following voting precincts: Covington 6, 7, 10, 10A and 13, Bromley, Crescent Springs, Elsmere 1, 2 and 3, Erlanger 4, 5, 6, 8 and 9, Ludlow 1, 2, 3, 4 and 5, Villa Hills 1 and 2.

(67) Sixty-seventh District: That part of Campbell County containing all of the voting precincts in the city of Newport, the city of Wilder, the city of Southgate except voting precinct Southgate B; that part of Kenton County containing voting precincts Covington 1, 3.

(68) Sixty-eighth District: That part of Campbell County containing all the voting precincts in the city of Bellevue; all the voting precincts in the city of Dayton; voting precincts A, B, C, D, E, G, L and P in the city of Fort Thomas and the voting precincts of Woodlawn, Brent, Crestview, Silver Grove, Hayfield, Carthage, Camp Springs and Melbourne.

(69) Sixty-ninth District: That part of Campbell County not contained in the Sixty-seventh and Sixty-eighth Districts; that part of Pendleton County contained in the voting precincts of Bonar and Sandsuck.

(70) Seventieth District: Mason, *Fleming* and Robertson Counties; [that part of Fleming County not in the Seventy-fourth District;] that part of Rowan County contained in census enumeration district 3 bounded by Bath County line, Triplett Creek, Morehead city limits, Kentucky Highway 32, Fleming County line.

(71) Seventy-first District: Morgan and Menifee Counties; that part of Rowan County not contained in the Seventieth District; the Northern part of Wolfe County bounded by Kentucky Highway 15, Campton City limits, Kentucky Highway 746, Mountain Parkway Extension, Morgan County line, Menifee County line, Powell County line, including the city of Campton.

(72) Seventy-second District: Bourbon County and that part of Fayette County not contained in the Seventy-fifth District, the Seventy-sixth, Seventy-seventh, Seventy-eighth and Seventy-ninth Districts.

(73) Seventy-third District: Clark and Powell Counties.

(74) Seventy-fourth District: Bath, Nicholas and Montgomery Counties [, and that part of Fleming County contained in census enumeration district 9 bounded by county line, Three Mile Run, State Highway 1325 (Three-Mile Road), Cane Road, State Highway 1123 (Peck's Ridge Road), State Highway 57, Craintown Road, and State Highway 32 westward to county line].

(75) Seventy-fifth District: That part of Fayette County contained within the following described boundaries: Beginning at the intersection of South Broadway and Mason Headley Road; then with the center line of South Broadway in a northeastwardly direction to the intersection of South Broadway and Virginia

Avenue; then in a northwestwardly direction with the western boundary of the Kentucky Trotting Horse Breeders Association property (Red Mile) to the Versailles Pike across from the intersection of Forbes Road; then in a generally northwardly direction with the center line of Forbes Road to its intersection with the Old Frankfort Pike to its intersection with Leestown Pike (West Main Street); then in a southeastwardly direction with the center line of West Main Street to its intersection with Newtown Pike; then in a northwestwardly direction with the center line of Newtown Pike to its intersection with West Fourth Street; then in a southeastwardly direction with the center line of West Fourth Street to the Louisville and Nashville Railroad Company crossing; then in a northeastwardly direction with the center line of the right-of-way of the Louisville and Nashville Railroad Company to its crossing of the Russell Cave Pike (Ky 353); then in a generally southwardly direction along the center line of the Russell Cave Pike to Louden Avenue; then in a southeastwardly direction with the center line of Louden Avenue to its intersection with Maple Avenue; then in a southeastwardly direction with the center line of Maple Avenue to its intersection with East Seventh Street and in a southeastwardly direction along the center line of East Seventh Street to its intersection with Shropshire; then in a southwestwardly direction with the center line of Shropshire Avenue to East Sixth Street and in a northwestwardly direction with the center line of East Sixth Street to its intersection with Pemberton; then in a southwestwardly direction with the center line of Pemberton to its intersection with East Fifth Street; then in a southeastwardly direction with the center line of East Fifth Street to its intersection with Race Street and in a southwestwardly direction with the center line of Race Street to its intersection with East Third Street; then in a southeastwardly direction with the center line of East Third Street to its intersection with Walton Avenue; then in a southwestwardly direction with the center line of Walton Avenue to its intersection with East Main Street; *then in a southeastwardly direction with the center line of East Main Street to its intersection with Irvine Road; then in a southwestwardly direction with the center line of Irvine Road to its intersection with Fontaine Road; then in a northwestwardly direction with the center line of Fontaine Road to its intersection with East High Street; then* [and in a northwestwardly direction with the center line of East Main Street to its intersection with Ransom Avenue; then in a southwestwardly direction with the center line of Ransom Avenue to its intersection with East High Street and] in a generally southwardly direction with the center line of East High Street to *the northwest property line of Cassidy school; then following the property line of Cassidy school back to the southwest boundary of East High Street; then with the center line of East High Street to its intersection with Cooper Drive; then westwardly along the center line of Cooper Drive where it meets the eastern property boundary of the University of Kentucky Experimental Farm; then south around the property line of the University of Kentucky Experimental Farm to the western boundary where it meets Iroquois; then northwestwardly to the intersection of Iroquois and South Limestone; then southwardly along the center line of South Limestone to the intersection of Southland Drive; then northwestwardly along the center line of Southland Drive to the intersection of Southland Drive and Southview Drive; then southwestwardly along Southview Drive to the intersection of Southview Drive and Hollyhill Drive; then westwardly along the rear property line of Hollyhill Drive to the intersection of Hollyhill Drive and Clays Mill Road; then northwardly along the center line to the intersection of Clays Mill Road and South Broadway and with the center line of South Broadway to the Mason Headley Road,* to [its intersection with Sunset, then in a northwestwardly direction with the center line of Sunset to Lafayette Avenue and continuing along the center line of Columbia (Sunset) to its intersection with Woodland Avenue and in a southwestwardly direction with the center line of Woodland Avenue to its intersection with Huguelet and in a northwestwardly direction along the center line of Huguelet to its intersection with Rose Street and in a southwestwardly direction with the center line of Rose Street to its intersection with South Limestone; then continuing in a southwestwardly direction along the center line of South Limestone to its intersection of Waller Avenue and then in a northwestwardly direction along the center line of Waller Avenue to its intersection with South Broadway and the Mason Headley Road,] the point of beginning.

(76) Seventy-sixth District: That part of Fayette County contained within the following boundaries: Beginning at the intersection of East Third Street and Race Street; then in a southeastwardly direction along the center line of East Third Street *to its intersection with Walton Avenue; then in a southeastwardly direction with the center line of Walton Avenue to its intersection with East Main Street; then in a southeastwardly direction with the center line of East Main Street to its intersection with West Fairway Drive; then in a northeastwardly direction with the center line of West Fairway Drive to its intersection with Henry Clay Boulevard;* [to a point opposite the northwest property line of Richmond Avenue; then in a southwestwardly direction with said property line of Richmond Avenue to East Main Street and then in a southeastwardly direction along the center line of East Main Street to its intersection with Henry Clay Boulevard;] then in a northeastwardly direction with the center line of Henry Clay Boulevard to its intersection with Menifee Avenue and in a southeastwardly direction with the center line of Menifee Avenue to a point in the southeast property line of Holiday Road; *then in a southwestwardly direction with the southeast property line of Holiday Road to East Main Street; then in a southeastwardly direction with the center line of East Main Street to its intersection with New Circle Road (Ky 4); then in a generally northwardly direction along the center line of New Circle Road through its intersection with Liberty Road and Winchester Pike to its intersection with the*

Louisville and Nashville Railroad right-of-way; then in a northeastwardly direction with the Louisville and Nashville Railroad right-of-way to the point where it underpasses Interstate 64-75; [then with said property line of Holiday Road to the Chesapeake and Ohio Railroad tracks; then in a southeastwardly direction with the right-of-way of the Chesapeake and Ohio Railroad to the New Circle Road (Ky 4); then in a generally northwardly direction along the center line of the New Circle Road to its intersection with the Winchester Pike (US 60); then in a generally eastwardly direction with the center line of the Winchester Pike to its intersection with Interstate 64-75;] then in a northwestwardly direction with the right-of-way of Interstate 64-75 to its overpass on the Russell Cave Pike (Ky 353); then in a southwestwardly direction with the center line of Russell Cave Pike to its intersection with the New Circle Road; then in a southeastwardly direction with the center line of New Circle Road to its intersection with the Old Paris Pike (North Limestone); then in a southwestwardly direction with the center line of North Limestone to its intersection with Carlisle Avenue; then in a southeastwardly direction along the center line of Carlisle Avenue to its intersection of Bryan Avenue; then in a southwestwardly direction with the center line of Bryan Avenue to its intersection with Louden Avenue; then in a southeastwardly direction with the center line of Louden Avenue to its intersection with Maple Avenue; then in a southwestwardly direction with the center line of Maple Avenue to East Seventh Street; then in a southeastwardly direction along the center line of East Seventh Street to Shropshire; then in a southwestwardly direction along the center line of Shropshire to East Sixth Street; then in a northwestwardly direction along the center line of East Sixth Street to Pemberton; then in a southwestwardly direction the center line of Pemberton to East Sixth Street; then in a southeastwardly direction with the center line of East Fifth Street to Race Street; then in a southwestwardly direction along the center line of Race Street to its intersection with East Third Street, the point of beginning.

(77) Seventy-seventh District: That part of Fayette County contained within the following boundaries: Beginning at the intersection of the Versailles Road (US 60) and the New Circle Road (Ky 4); then with the New Circle Road in a generally northeastwardly direction to the following intersections: Old Frankfort Pike, Leestown Pike, Georgetown Pike, Newtown Pike, Russell Cave Pike and North Broadway to its intersection with the Old Paris Pike (North Limestone); then in a southwestwardly direction along the center line of North Limestone to Carlisle Avenue; then in a southeastwardly direction with the center line of Carlisle Avenue to Bryan Avenue; then in a southwestwardly direction with the center line of Bryan Avenue to its intersection with Louden Avenue and in a northwestwardly direction with the center line of Louden Avenue to its intersection with Russell Cave Pike and in a generally northwardly direction with the center line of the Russell Cave Pike to the Louisville and Nashville Railroad crossing; then in a southwestwardly direction with the right-of-way with the Louisville and Nashville Railroad to West Fourth Street; then in a northwestwardly direction along the center line of West Fourth Street to the Newtown Pike and in a southwestwardly direction the center line of the Newtown Pike to West Main Street; then in a northwestwardly direction with West Main Street (Leestown Pike) to Forbes Road; then in a southwestwardly direction the center line of Forbes Road to the Versailles Road and across the Versailles Road and along the western property line of the Kentucky Trotting Horse Breeders Association (Red Mile) to South Broadway and in a southwestwardly direction along the center line of South Broadway to Clays Mill Road and continuing in a southwestwardly direction along the center line of Clays Mill Road to Longview Drive; then in a northwestwardly direction along the center line of Longview Drive to the Harrodsburg Road; then [in a northeastwardly direction along the center line of the Harrodsburg Road to the Lane Allen Road and in a northwestwardly direction along the center line of Lane Allen Road to Garden Springs Drive; then in a southwestwardly direction along the center line of Garden Springs Drive to Cypress Drive; then in a southeastwardly direction along Cypress Drive to Poppy Lane; then in a southwestwardly direction along a line extended from the end of Poppy Lane to the point opposite Aster Road and in a southeastwardly direction along a line extending from the end of Aster Road to the Harrodsburg Road and] in a southwestwardly direction along the center line of the Harrodsburg Road to the New Circle Road and in a northwestwardly direction along the center line of New Circle Road to a point opposite the center line of Lansill Road and in a northeastwardly direction along the center line of Lansill Road to a point on the Lane Allen Road; then continuing in a northeastwardly direction along the center line of Traveller Road to the northwest property line of Antietam Road; then in a generally northwardly direction along the line between the rear property lines of Traveller Road and Alexandria Drive to the Parkers Mill Road; then continuing in a generally northwardly direction along the center line of the Parkers Mill Road to Versailles Road; then in a westwardly direction along the center line of Versailles Road to the New Circle Road, the point of beginning.

(78) Seventy-eighth District: That part of Fayette County contained within the following boundaries: Beginning on Versailles Pike (US 60) at the Woodford County line; then eastwardly with the center line of the Versailles Pike to the intersection with the New Circle Road, then continuing along the Versailles Pike to Parkers Mill Road; then in a generally southwardly direction along the center line of Parkers Mill Road and continuing in a southerly direction along the rear property lines of Traveller Road and Alexandria Drive to the northwestwardly property line of Antietam Road and in a southwestwardly direction with said property line of Antietam Road to the center line of Traveller Road and with the center line of Traveller Road to the Lane Allen Road; then in a southwestwardly direction to the center line of Lansill Road, continuing along the center

line of Lansill Road and on to New Circle Road and in a southeastwardly direction along the center line of the New Circle Road to the Harrodsburg Road*; then in a northeastwardly direction along the center line of Harrodsburg Road to its intersection with Longview Drive;* [and in a northeastwardly direction along the center line to the Harrodsburg Road to a point opposite Aster Road and in a northwestwardly direction along a line to a point opposite Poppy Lane; then in a northeastwardly direction along a line to the end of Poppy Lane and continuing on the center line of Poppy Lane to Cypress Drive; then in a northwestwardly direction along the center line of Cypress Drive to Garden Springs Drive; then in a northeastwardly direction along the center line of Garden Springs Drive to Lane Allen Road; then in a southeastwardly direction along the center line of Lane Allen Road to the Harrodsburg Road and in a southwestwardly direction along the center line of the Harrodsburg Road to Longview Drive;] then in a southeastwardly direction along the center line of Longview Drive to Clays Mill Road; then in a *southwestwardly direction along Clays Mill Road to the intersection of Hollyhill Drive; then along the rear property line in a southeastwardly direction to Southview Drive; then northeastwardly along the center line of Southview Drive to the intersection of Southland Drive; then southeastwardly along the center line of Southland Drive to the intersection of Southland Drive and South Limestone; then northeastwardly to the intersection of Iroquois and South Limestone; then eastwardly along Iroquois to the western property line of the University of Kentucky Experimental Farm and along the southern boundaries of the University of Kentucky Experimental Farm property to the eastern boundary of the University of Kentucky Experimental Farm property where it meets Cooper Drive; then along the center line in a southeastwardly direction to the intersection of Cooper Drive and East High Street (Tates Creek Pike)* [northeastwardly direction along the center line of Clays Mill Road to Harrodsburg Road continuing in a notheastwardly direction along the center line of the Harrodsburg Road to its intersection of Waller Avenue; then in a southeastwardly direction along the center line of Waller Avenue to South Limestone; then in a northeastwardly direction along the center line of North Limestone to Rose Street continuing in a northeastwardly direction along the center line of Rose Street to Huguelet, then in a southeastwardly direction along the center line of Huguelet to Woodland Avenue; then in a northeastwardly direction along the center line of Woodland Avenue to Columbia Avenue; then in a southeastwardly direction along the center line of Columbia Avenue to Lafayette Avenue and continuing along the center line of Sunset (Columbia Avenue) to the Tates Creek Pike]; then in a generally southerly direction along the center line of Tates Creek Pike [to Lansdowne Drive; then in a southwestwardly direction along the center line of Lansdowne Drive to Zandale Drive; then in a northwestwardly direction along the center line of Zandale Drive to South Limestone (Nicholasville Pike); then in a southwestwardly direction along the center line of Nicholasville Pike to the Wilson-Downing Road; then in a southeastwardly direction along the center line of the Wilson-Downing Road to the Tates Creek Pike (Ky 1974); then in a generally southerly direction along the center line of the Tates Creek Pike] to the Fayette County line; then along the Fayette County line in a generally northwestwardly direction to the Versailles Pike (US 60), the point of beginning.

(79) Seventy-ninth District: That part of the county of Fayette contained within the following boundaries: Beginning at the Kentucky River at the landing of Tates Creek Pike; then in a generally northwestwardly direction along the center line of the Tates Creek Pike *(East High Street) to its intersection with Fontaine Road; then in a southeastwardly direction with the center line of Fontaine Road to its intersection with Irvine Road; then in a northeastwardly direction with the center line of Irvine Road to its intersection with East Main Street; then with the center line of East Main Street in a southeastwardly direction to its intersection with West Fairway Drive; then in a northeastwardly direction with the center line of East Fairway Drive to its intersection with Henry Clay Boulevard; then continuing in a northeastwardly direction with the center line of Henry Clay Road to its intersection with Menifee Avenue; then in a southeastwardly direction with the center line of Menifee Avenue to the southeast property line of Holiday Road; then in a southwestwardly direction with the southeast property line of Holiday Road to its intersection with East Main Street; then in a southeastwardly direction with the center line of East Main Street to its intersection with New Circle Road (Ky 4); then with the center line of New Circle Road through its intersection with Liberty Road and Winchester Road to its intersection with the Louisville and Nashville Railroad right-of-way; then in a northeastwardly direction with the Louisville and Nashville Railroad to its underpass of Interstate 64-75;* [to the Wilson-Downing Road; then continuing in a northwestwardly direction along the center line of the Wilson-Downing Road to the Nicholasville Road and in a northeastwardly direction along the center line of the Nicholasville Road (South Limestone) to Zandale Drive; then in a southeastwardly direction along the center line of Zandale Drive to Lansdowne Drive; then in a northeastwardly direction along the center line of Lansdowne Drive to Tates Creek Pike; then in a generally northwardly direction along the center line of Tates Creek Pike (East High Street) to Ransom Avenue and in a northeastwardly direction along the center line of Ransom Avenue to East Main Street and in a southeastwardly direction along the center line of East Main Street to Walton Avenue, then in a northwestwardly direction along the center line of Walton Avenue to East Third Street; then in a southeastwardly direction along the center line of East Third Street to a point opposite the northwestern property line of Richmond Avenue; then in a southwestwardly direction along said property line of Richmond Avenue to East Main Street and in a southeastwardly direction with the center line of East

Main Street to Henry Clay Boulevard and in a northeastwardly direction with the center line of Henry Clay Boulevard to Menifee Avenue and in a southeastwardly direction along the center line of Menifee Avenue to a point in the southeastern property line of Holiday Road; then in a northeastwardly direction along said property line of Holiday Road to the Chesapeake and Ohio Railroad tracks and in a southeastwardly direction with the right-of-way of the Chesapeake and Ohio Railroad to the New Circle Road; then in a generally northerly direction along the center line of the New Circle Road to the Winchester Pike (US 60) and in a generally eastwardly direction along the Winchester Pike to the Interstate 64-75 interchange;] then in a northwestwardly direction with the right-of-way of Interstate 64-75 to the Bryan Station Pike (Ky 956) and in a northwestwardly direction along the center line of the Bryan Station Pike to the Muir Station Pike; then in a southeastwardly direction along center line of the Muir Station Pike to the Briar Hill Pike; then in a northeastwardly direction along the center line of the Briar Hill Pike to the Bourbon County line; then following the Fayette County line in a generally southerly direction to the Kentucky River and along the Kentucky River to the Tates Creek Pike, the point of beginning.

(80) Eightieth District: Lincoln and Rockcastle Counties and that part of Pulaski County contained within the following voting precincts: Eubank 25, Estesburg 26, Hazeldell 27, Good Hope 28 and Catron 31.

(81) Eighty-first District: That part of Madison County not contained in the Eighty-fourth District.

(82) Eighty-second District: Whitley County; that part of McCreary County contained within the county census division of Pine Knot bounded by: Blue Heron Road extended, Blue Heron Road, State Highway 742, U. S. Highway 27, Laurel Creek, Marsh Creek, Duck Run, county line, state line, South Fork Cumberland River; that part of McCreary County contained within the County Census Division of Cooperative bounded by: South Fork Cumberland River, state line, county line; that part of McCreary County contained within the county census division of Stearns bounded by: Lick Creek, Bridge Fork, Laurel Creek, U. S. Highway 27, State Highway 742, Blue Heron Road, Blue Heron Road extended, South Fork Cumberland River.

(83) Eighty-third District: That part of Pulaski County not contained in the Eightieth District.

(84) Eighty-fourth District: Estill and Jackson Counties and that part of Madison County contained in the city of Berea and in voting precincts 19 and 20.

(85) Eighty-fifth District: Laurel County and that part of McCreary County not contained in the Eighty-second District.

(86) Eighty-sixth District: Knox County; that part of Clay County contained in voting precincts 1, 8, 12, 13, 14, 15.

(87) Eighty-seventh District: Bell County and that part of Harlan County contained in voting precinct Pathfork 41.

(88) Eighty-eighth District: That part of Harlan County not contained in the Eighty-seventh and Ninetieth Districts.

(89) Eighty-ninth District: Breathitt and Lee Counties and that part of Wolfe County not contained in the Seventy-first District, and that part of Perry County contained in census county division of Big Creek, Blue Diamond Buckhorn, Yerkes-Busy and Krypton lying north and east of the following boundary: Leslie County line, Big Creek-Right Fork Divide, Buffalo Fork Big Creek-Buffalo Creek Divide, Brown's Fork-Buffalo Creek Divide, Messer Branch-Davidson Branch Divide, Happy Hollow, Hazard City limits, Walker Branch-North Fork Kentucky River Divide; Laurel Fork-Lost Creek-First Creek Divide, Sixteenmile Creek-Lower Second Creek Divide, Lost Creek, Grapevine Creek Divide, Tenmile Creek-Grapevine Creek Divide, Breathitt County line, Owsley County line, and Clay County line.

(90) Ninetieth District: Leslie and Owsley Counties, and that part of Harlan County contained in the voting precincts of Pine Mountain-Big Laurel No. 11, Bledsoe No. 12, New Baxter No. 9, Old Baxter No. 8, School House Loyall No. 35, City Hall Loyall No. 34, Rio Vista No. 36, and Putney No. 10, and that part of Clay County contained in voting precincts 2, 3, 4, 5, 6, 7, 9, 10, 11.

(91) Ninety-first District: That part of Perry County not contained in the Eighty-ninth district, and that part of Letcher County not contained in the Ninety-second District.

(92) Ninety-second District: Knott and Magoffin Counties; that part of Letcher County contained in census county division of Blackey, Colson, Fleming-Neon, and census enumeration districts 21 and 22, lying northwest of the following boundary: Perry County line, Turkey Creek-Defeated Creek Divide, Whittaker Branch Road, Tolson Branch Road, Kentucky Highway 588, Mills Branch Road, Mills Branch Spur Road, Rockhouse Creek-Smoot Creek Divide, Kentucky Highway 15, Smoot Creek-Dry Fork Divide, Rockhouse Creek-North Fork Kentucky River Divide, Millstone Creek Road, Kentucky Highway 803, State Highway 113, North Fork Kentucky River, U. S. Highway 119, Seco city limits, U.S. Highway 119, Jenkins city limits, McRoberts city limits, Fleming city limits, and from Hemphill-Jackhorn P.O. due north to Pike County line, including the cities of Seco and Fleming.

(93) Ninety-third District: That part of Pike County contained in voting precincts Caney 20, Yeager 21, Old Shelby 22, Long Fork 23, Dorton 24 and Elmwood in district 2; Marrowbone 30, Rockhouse 31, Henry Clay 32, Hellier 33, Ashcamp 34 and Rasnick 35 in district 3; Millard 40, Lick Creek 42, Grapevine 43, and Garden Village 46 in district 4; Raccoon 51 in district 5; Peter 70, Blackberry 71, Knox 72, Freeburn-Cline 73, Wolford

74, Bluesprings 75, Majestic 76 in district 7; Mouthcard 80, Upper Elkhorn 81, Elkhorn City Hall 82, Belcher 83, Feds Creek 84, Looney 85 in district 8.

(94) Ninety-fourth District: That part of Pike County not contained in the Ninety-third District; that part of Floyd County not contained in the Ninety-fifth District.

(95) Ninety-fifth District: Floyd County except for the voting precincts Herold, Toler Creek, Antioch, Branhams Creek, Head of Mud, Tickey.

(96) Ninety-sixth District: Carter and Lewis Counties.

(97) Ninety-seventh District: Johnson and Martin Counties, and that part of Lawrence County contained in voting precincts 7, 9, 10, 11, 12, 13 and 14.

(98) Ninety-eighth District: That part of Greenup County not contained in the Ninety-ninth District.

(99) Ninety-ninth District: Elliott County; that part of Lawrence County contained in voting precincts 1, 2, 3, 4, 5, 6 and 8; that part of Boyd County containing the following voting precincts: Court House 1, City Building 2, Argo 3, Hampton 4, Rockdale 5, England Hill 7, Durbin 8, East Fork 9, Cannonsburg 10, Princess 11, Garner 12, Hoods Creek 13, Fairview 14, Buckley 15, Westwood 16, Millseat 17; that part of Greenup County contained in census enumeration district 10, known as Bellefonte City, bounded by county line, Country Club Drive (State Highway 693) to its junction with State Highway 1725, then southeasterly to the county line.

(100) One hundredth District: That part of Boyd County not contained in the Ninety-ninth District.

Section 2. KRS 6.041 is amended to read as follows:

Any reference in KRS 6.011 and 6.031 to a city, ward, district, boundary, precinct, road, highway, street, stream or other line means as they existed on January 4, 1972, *except that the following references to precincts in KRS 6.031 shall mean such precincts as they existed on January 1, 1978: In Trigg County, precincts Canton, West Cadiz, South Cadiz 1, South Cadiz 2, North Cadiz 1, North Cadiz 2, Wallonia, Cerulean, Bethesda, Maggie and Caledonia-Roaring Spring; in Jefferson County, precincts A35, A38, A50, A74, A80, A81, A123, A136 and A149 of A District of the county.*

The Committee on State Government reported **HB 657,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

HB 657, AN ACT relating to waterworks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 96 IS CREATED TO READ AS FOLLOWS:

(1) The city council of cities of the third class in a county containing a population of more than 50,000 other than a county containing a city of the first class or urban county government which have acquired a waterworks or a waterworks and sewerage system pursuant to KRS 96.350, and which are operating under the council form of government, may, by ordinance, establish either a waterworks commission or a waterworks and sewerage commission. The ordinance shall require the appointment of the commission in one (1) month from the passage of the ordinance. No two (2) members of the commission shall be selected from the same ward. The commission shall be appointed by the mayor, and shall consist of the mayor, who shall be a non-voting ex-officio member and either three (3) or five (5) freehold electors of the city who have been bona fide residents of the city for two (2) years next before their appointment. One (1) member shall be a member of the city legislative body. No appointed member shall be related to the mayor or a member of the city council within the third degree of consanguinity or affinity under the civil law.

(2) The members of the commission shall enter upon the discharge of their duties as soon as appointed, and shall hold office four (4) years and until their successors are appointed and qualified, except that the member of the commission who is a member of the city legislative body shall hold office for one (1) year and until his successor is appointed and qualified. Any vacancy shall be filled in the same way the original appointments were made. The compensation of members shall be fixed by the city council prior to their appointment. The commission shall hold at least one (1) meeting each month, or more if required. Meetings shall be held at stated times, except special meetings.

(3) The commission may designate a member to act as chairman in the absence of the mayor, with the same powers the mayor would have if presiding. If the commission consists of five (5) members, three (3) members shall constitute a quorum. If the commission consists of three (3) members, two (2) members shall constitute a quorum. The mayor or any two (2) members may call a special meeting. The city auditor shall be ex-officio clerk of the commission and custodian of its records. Copies of its records attested by him as clerk shall be competent evidence in all courts.

The Committee on State Government reported **HB 541, HB 644, HB 699, HCR 102**, **HCR 105, HCR 111, HJR 74, HJR 89, SB 70, SB 71, SB 109, SB 112, SB 113**, **SB 150, SB 163** with Committee Amendment attached thereto, **SB 167**, and **SB 305** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 541, AN ACT relating to the civil air patrol.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS 183.820 IS AMENDED AND RE-ENACTED AS A NEW SECTION OF KRS CHAPTER 39, TO READ AS FOLLOWS:

(1) There shall be a unit of civil air patrol in the department of *military affairs* [transportation]. The unit shall consist of the Kentucky wing of the civil air patrol and such other units and personnel as are added by administrative order.

(2) The commanding officer of the Kentucky wing of the civil air patrol shall be ex officio the head of the unit.

SECTION 2. KRS 183.830 IS REPEALED AND RE-ENACTED AS A NEW SECTION OF KRS CHAPTER 39, TO READ AS FOLLOWS:

The unit shall perform emergency disaster work within the commonwealth in all instances in which aeronautical equipment and maneuvers might be of assistance in relieving the disaster, and shall engage in all manner of air search and rescue for which the civil air patrol is fitted. The head may establish facilities for aeronautical education and training.

SECTION 3. KRS 183.840 IS AMENDED AND RE-ENACTED AS A NEW SECTION OF KRS CHAPER 39, TO READ AS FOLLOWS:

The *adjutant general* [secretary of the department of transportation] shall coordinate the activities of the unit with the federal government and any of its agencies in all matters relating to aeronautical training and education, communications, rescue work, mercy missions, aerial observation, establishment of navigational aids, and other functions within the scope of activity of the civil air patrol.

SECTION 4. KRS 183.850 IS AMENDED AND RE-ENACTED AS A NEW SECTION OF KRS CHAPTER 39, TO READ AS FOLLOWS:

No portion of moneys appropriated for the unit of the civil air patrol shall be expended without the approval of the *adjutant general* [secretary of the department of transportation] nor shall they be expended for the payment of compensation to members of the civil air patrol or the purchase of uniforms for any member of the civil air patrol.

HB 644, AN ACT relating to retirement benefits.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 61.595 is amended to read as follows:

(1) Upon retirement at normal retirement date, or subsequent thereto, a member may receive an annual retirement allowance, payable monthly during his lifetime which shall consist of an amount equal to one and six-tenths per cent (1.6%) of final compensation multiplied by the number of years of service credit, except that:

(a) The annual normal retirement allowance for members of the general assembly, who serve during the 1974 or 1976 general assembly, and will have eight (8) years or more of total legislative service as of January 6, 1978, shall not be less than $240 multiplied by the number of years of service as a member of the general assembly;

(b) The annual normal retirement allowance for members of the general assembly who will have fewer than eight (8) years of service as of December 31, 1975, shall be as prescribed in Chapter 116, section 36(1), Acts of the 1972 general assembly for legislative service prior to January 1, 1974.

(c) Former members of the general assembly who have eight (8) or more years of legislative service prior to the 1976 regular session are eligible for an increased retirement allowance of $240 times years of legislative service, provided such member pays to the Kentucky employes retirement system thirty-five (35) percent of the actuarial cost of the higher benefit, as determined by the board, except that a former member with sixteen (16) or more years of legislative service, or his beneficiary, who is receiving a retirement allowance, also is eligible under this section and may apply for a recomputation of his retirement allowance. The employer's share of sixty-five (65) percent of such computed actuarial cost shall be paid from the state treasury to the Kentucky employes retirement system upon presentation of a properly documented claim to the executive department for finance and administration. If any such members with sixteen (16) or more years of legislative service previously applied for and is receiving a retirement allowance, he may reapply and his retirement allowance shall be recomputed in accordance with this paragraph (c), and he shall thereafter be paid in accordance with the option selected by him at the time of the reapplication;

(d) The annual normal retirement allowance for a member with ten (10) or more years of service, in the Kentucky employes retirement system, at least one (1) of which is current service, shall not be less than $512.

(2) Upon service retirement prior to normal retirement date, a member may receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual retirement, but the amount of the retirement allowance so determined shall be reduced to reflect the earlier commencement of benefits except that*:*

(a) If the member *is a member of the county employes retirement system and* has attained age 55 there shall be no reduction in *his* [the] retirement allowance *if he* [of the member who] has thirty (30) or more years of service credit at least fifteen (15) of which are current service*; and*

(b) If the member is a member of the Kentucky employes retirement system there shall be no reduction in his retirement allowance if he has thirty (30) or more years of service credit at least fifteen (15) of which are current service.

(3) The retirement allowance shall be calculated by using the member's known creditable compensation prior to his last month's employment and an estimate of his creditable compensation during the last month he was employed. Based upon this calculation, the state treasurer shall be requested to issue the initial retirement payment.

(4) A new calculation shall be made when the official report has been received of the member's creditable compensation during his last month's employment. However, the retirement allowance determined in accordance with subsection (3) of this section shall be the official retirement allowance unless the new calculation derives an amount which is twenty-five cents (25¢) greater or less than the amount of the initial retirement payment.

HB 699, AN ACT relating to the reissuance of state treasury checks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 41.370 is amended to read as follows:

(1) Any check issued by the state treasurer shall not be valid as an order for payment after one year from its date of issue and this limitation shall appear on all checks issued. The state treasurer is authorized to clear his records of all such unpaid checks and credit the amounts to the fund against which it was originally drawn.

(2) When any properly endorsed check issued by the state treasurer is presented for payment more than one year *but not more than ten (10) years* after its date of issue [and within the period prescribed by KRS 413.120], the state treasurer shall, upon satisfactory proof of ownership, cancel such check and forward it to the *secretary* [commissioner] of the executive department for finance and administration with the date and number of the pay-in-voucher, which credited the amount of such check to a particular fund. The *secretary* [commissioner] of the executive department for finance and administration shall draw a warrant against the check. All endorsements on the surrendered check shall have the same effect as if the check were paid by the drawee. All checks paid in the manner herein set forth shall be charged against the fund against which they were originally drawn.

HCR 102, A CONCURRENT RESOLUTION directing a study of the retirement systems for state officers serving the Court of Justice.

WHEREAS, circuit court clerks, commonwealth's attorneys, and district judges are state officers; and

WHEREAS, circuit court clerks, commonwealth's attorneys, and district judges each serve the Court of Justice in a vital capacity; and

WHEREAS, fair and reasonable retirement benefits as a reward for dedicated public service will encourage participation in the Court of Justice;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1.(1) The Legislative Research Commission is directed to conduct a study of the feasibility of extending the judicial retirement system to circuit court clerks, commonwealth's attorneys, and district judges.

(2) The study shall include but not be limited to the following: an analysis of the costs and benefits these officers would experience if admitted to the judicial retirement system; an analysis of the effects of an extension of the judicial retirement system on the actuarial soundness and integrity of the system; and recommendations as to which offices should be admitted to the judicial retirement system and the terms of such admission.

Section 2. To assist in the study an actuarial firm shall be employed by the Legislative Research Commission.

Section 3. The results of the study along with any recommendations shall be made available to the members of the General Assembly not later than September 1, 1979.

Section 4. Staff services to be utilized in completing this study are estimated to cost $24,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

HCR 105, A CONCURRENT RESOLUTION memorializing the President of the United States to proclaim the innocence of Doctor Samuel A. Mudd of any complicity in the assassination of President Abraham Lincoln.

WHEREAS, Dr. Samuel A. Mudd, a southern Maryland doctor, treated the broken leg of John Wilkes Booth, injured when the actor jumped from a theater box after assassinating President Abraham Lincoln at Ford's Theater in our nation's capital in April, 1865; and

WHEREAS, Dr. Mudd was fulfilling his sworn duty as a physician by treating an injured person of whose crime he was unaware; and

WHEREAS, although history has subsequently revealed that Dr. Samuel A. Mudd, in acting as a physician,was innocent of any involvement in the assassination, as the result of the hysteria of the times the doctor was convicted as a conspirator in said assassination and imprisoned; and

WHEREAS, President Andrew Johnson gave a pardon to Dr. Mudd, which pardon, however, does not confirm innocence but merely grants forgiveness; and

WHEREAS, the good name of the Mudd family has suffered during the past century for the wrong done to its ancestor;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the President of the United States is hereby respectfully urged to issue a proclamation declaring the innocence of Dr. Samuel A. Mudd of any complicity in the assassination of President Abraham Lincoln.

Section 2. That a copy of this resolution be transmitted forthwith by the Clerk to the Mudd family and to the President of the United States.

HCR 111, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the feasibility of establishing a state museum of fine arts.

WHEREAS, the Commonwealth of Kentucky has produced many fine artists whose works portray our rich cultural heritage; and

WHEREAS, such works of art are dispersed throughout the Commonwealth, the nation and the world; and

WHEREAS, there is no central establishment or location where citizens of the Commonwealth or visitors to the Commonwealth might view the fruits of Kentucky's artists and other fine works of art; and

WHEREAS, a state museum of fine arts could provide a priceless educational and cultural service by collecting through purchase or loan works of fine art and making such available to the citizens of the Commonwealth and visitors to this great state;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to study the feasibility of establishing a state museum of fine arts. The study shall include, but need not necessarily be limited to, costs, means of financing, location, governance and management.

Section 2. The results of the study and any recommendations shall be reported to the appropriate interim joint committee not later than June 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $12,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

HJR 74, A JOINT RESOLUTION directing the Legislative Research Commission to establish an office of Congressional liason, and making an appropriation therefor.

WHEREAS, it is increasingly apparent that congressional actions directly affect the laws and thereby the citizens of the Commonwealth of Kentucky;

WHEREAS, it is imperative that the Kentucky General Assembly be kept abreast of congressional activities, particularly in the area of budgetary matters; and

WHEREAS, it is deemed advisable for the General Assembly to receive timely information relative to congressional actions;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is hereby directed to establish a Congressional Liason Program which will provide the members of the General Assembly with timely and pertinent information on pending congressional actions.

Section 2. There is hereby appropriated for the general fund the sum of $50,000 for fiscal year 1978-79 and $50,000 for fiscal year 1979-80 to carry out the purpose set forth herein.

HJR 89, A JOINT RESOLUTION relating to tourism.

WHEREAS, the Department of Commerce has recommended to the Governor that a Division of Tourism Development be created within the Department to provide increased emphasis on tourism as an industry; and

WHEREAS, tourism represents the Commonwealth's third billion dollar industry and over $3,460,000 in taxes alone were collected from this industry in 1976; and

WHEREAS, the Buffalo Trace area development district is very much concerned with placing special emphasis toward a regional effort to develop tourism as an industry; and

WHEREAS, the Buffalo Trace area development district is well-endowed with historic homes, sites and attractions left behind by the early pioneers in Kentucky, including:

Historic Washington, in Mason County, an early center of education and commerce in which purely local efforts of restoration begun in 1955 continue today with truly impressive results; and

Maysville, flourishing in the riverboat area, with much tourist potential, especially on West Third Street, where undisturbed early nineteenth century architecture abounds; and

Covered bridges, considerable in number, especially in Fleming County, enhancing the historic appeal of the area; and

The National Post Road, following the Buffalo Trace from the Ohio to the Licking and since 1816, connecting Zanesville, Ohio and Florence, Alabama, serving as the route Andrew Jackson took to his inauguration; and

The Buffalo Trace, an historic route which was both an Indian warrior path and a buffalo trail terminating at Blue Licks on the Licking River;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there be established a study commission, six of whose members are to be appointed by the Governor, three by the Speaker of the House of Representatives and three by the President Pro Tempore of the Senate, to work in concert with the board of directors of the Buffalo Trace area development district and the Buffalo Trace Tourism Committee in order to assure coordination of research and studies in the promotion of the tourism industry. The Buffalo Trace Tourism Study Commission established by this Resolution shall prepare and submit a study and recommendations on tourism for the Buffalo Trace area development district to the 1980 Session of the Kentucky General Assembly.

Section 2. The members of the Commission shall be compensated for their necessary expenses in performing their duties under this Resolution. The Legislative Research Commission shall supply professional and secretarial staff assistance to the Commission.

SB 70, AN ACT relating to child support recovery.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 205.715 is amended to read as follows:

The payment of public assistance to or on behalf of a dependent child creates a debt due and owing the state by the parent or parents of the child; provided, however, that where a court has ordered child support incident to a final divorce decree or other final order for child support, the debt shall be limited to the amount specified in the decree or order. [This liability to the state shall attach only with respect to payments made during the period of time during which public assistance is granted and only if the parent or parents are financially able to furnish support.]

Section 2. KRS 205.720 is amended to read as follows:

By accepting public assistance for or on behalf of a needy dependent child, the recipient shall be deemed to have made an assignment to the department of the right to any child support owed for the child or children up to the amount of public assistance paid by the department to the recipient, *including amounts which have accrued at the time the assignment is made.* The department shall be subrogated to the right of the child or the person having custody to collect and receive all child support payments and to initiate any support action existing under the laws of this state. [The department may waive this subrogated right in situations in which it appears that it would be to the best interest of the child to do so.]

Section 3. KRS 205.725 is amended to read as follows:

(1) Whenever the department receives an application for public assistance on behalf of a needy dependent child or reviews the records of those currently receiving public assistance on behalf of a needy dependent child and it appears to the satisfaction of the department that either or both parents have failed to provide support to the child, the department may take appropriate action under this chapter, or any other appropriate state and federal statutes, to assure that the responsible parent or parents provide support to the child. [Such action shall be taken by the department only if the child is an applicant for or recipient of public assistance.]

(2) As used in KRS 205.730, 205.735, 205.765 and 205.785, the term "child" includes a child of an individual who is not receiving public assistance and who has applied for child support services in accordance with title IV-D of the Social Security Act.

Section 4. KRS 205.730 is amended to read as follows:

(1) The department shall attempt to locate absent responsible parents of [needy dependent] children *described in KRS 205.725.*

(2) The department shall serve as a registry for the receipt of information which directly relates to the identity or location of absent parents, [to assist any governmental agency in locating absent parents,] to answer interstate inquiries concerning deserting parents, to coordinate and supervise any activity on a state level in search of an absent parent, to develop guidelines for coordinating activities of any governmental agency in providing information necessary for location of absent parents, and is to process all requests received from an initiating county or an initiating state which has adopted the Uniform Reciprocal Enforcement of Support Act.

(3) In order to carry out responsibilities imposed under this chapter, the department may request information and assistance from any governmental agency. All state, county and city agencies, officers and employes shall cooperate with the department in determining the location of parents who have abandoned or deserted children [receiving public assistance] with all pertinent information relative to the location, income and property of such parents, notwithstanding any provision of state law making such information confidential.

(4) The information which is obtained by the department shall only be available to such governmental agency or political subdivision of any state for purposes of locating an absent parent to enforce their obligation of support.

Section 5. KRS 205.735 is amended to read as follows:

All business concerns doing business in this state, to the extent that they have employes working within this state, or maintain personnel files within this state, or are incorporated under the laws of this state, are required to provide the department with the following information upon certification by the secretary that the information is for the purpose of locating a parent [whose dependent child is receiving public assistance in this or any other state] and that the information obtained will be treated as confidential information by this department or the agency or department of any other state which administers the public assistance program for the other state: full name, social security account number, date of birth, home address, wages, and number of dependents listed for tax purposes.

Section 6. KRS 205.750 is amended to read as follows:

(1) Child support payments made pursuant to a court order shall be paid to the department upon notice by the department to the court and the parent that the child is a recipient of public assistance [when the department has not waived its right to such under the provisions of KRS 205.720].

(2) The department may also collect child support payments on behalf of a child not receiving public assistance when an application for such service is made to the department on behalf of the child and an assignment of support payments is executed.

(3) Payment of support payments by the obligor directly to a child who is receiving public assistance after the obligor has been notified pursuant to subsection (1) of this section does not abate the obligor's support obligation to the department.

Section 7. KRS 205.785 is amended to read as follows:

(1) It shall be unlawful for anyone to knowingly refuse to give the secretary the name of a parent of a child for whom the department is providing public assistance or information which will assist the secretary in locating a parent of a child [for whom the department is providing public assistance].

(2) Any information gathered pursuant to subsection (1) of this section shall under no circumstances be used in criminal prosecutions against the informant.

(3) It shall be unlawful for anyone to knowingly give the secretary the incorrect name of a parent of a child [for whom the department is providing public assistance] or to knowingly give the secretary incorrect information on the parent's whereabouts when it is done for the purpose of concealing the identity of the real parent of the child or when it is done with the intent of concealing the location of the parent.

Section 8. KRS 205.800 is amended to read as follows:

Where establishment of paternity and enforcement and collection of child support is by law the responsibility of local officials, the department shall refer cases to the appropriate official for such. The department may enter into cooperative arrangements with appropriate courts and law enforcement officials to assist the department in administering the program of child support recovery, including the entering into of financial arrangements with such courts and officials as provided for under the provisions of federal law and regulations and any other matters of common concern to such courts or officials and the department.

SB 71, AN ACT relating to liability for board, maintenance and treatment at facilities operated or utilized by the Department for Human Resources.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

This Act may be cited as the "Patient Liability Act of 1978."

SECTION 2. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

(1) "Department" means the department for human resources.

(2) "Facility" means a hospital or other institution operated or utilized by the department for the mentally ill, mentally retarded or respiratory disease patients.

(3) "Homestead" means a place where a family makes its home including the land, house and furnishings, outbuildings, vehicles and tools of the trade formerly occupied by the patient which is exempted by this Act from liability to meet patient charges for services rendered in a facility.

(4) "Means test" means a uniform method adopted by the secretary for determining the ability to pay of the patient or person responsible for the patient for board, maintenance and treatment at a facility operated or utilized by the department.

(5) "Person responsible for the patient" includes parents, spouses, guardians and committees within the scope of their fiduciary duties.

(6) "Secretary" means the secretary for the department for human resources.

SECTION 3. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

(1) Every patient admitted to a facility operated or utilized by the department, except prisoners transferred pursuant to KRS 202A.190, shall be charged for their board, maintenance and treatment pursuant to this section and the department may sue to recover from the patient or person responsible for the patient for liability as established by this section.

(2) The secretary shall fix the patient cost per day for board, maintenance and treatment for each facility operated by the department at frequent intervals which shall be the uniform charge for all persons receiving such services.

(3) The liability of any patient, or person responsible for the patient, for payment of the charge for board, mintenance and treatment shall be based upon ability to pay by ascertaining the entire financial resources available to the patient, or to the person responsible for the patient, and shall include, but shall not be limited to: insurance, all third party coverage including medicare and medicaid and other governmental programs, cash, stocks, bonds, and and all other property owned by the patient or controlled by the person responsible for the patient. The secretary shall establish a reasonable means test for determining payment liability of patients and persons responsible for patients. In no event shall liability be in excess of the cost per patient day established by the secretary.

(4) Nothing in this Act shall be construed to limit any liability of insurance companies or other third party payors including medicare and medicaid and other governmental programs.

SECTION 4. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

The following shall be exempt from liability for patient's board, maintenance and treatment charges:

(1) Any parents' liability for charges for board, maintenance and treatment at facilities operated or utilized by the department that exceed the cost of caring for a normal child at home as determined from standard sources by the department;

(2) Any parents' liability after the patient has attained the age of eighteen (18);

(3) A homestead;

(4) Any inheritance, gift or trust benefits received subsequent to the accrual of liability.

SECTION 5. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

In the event of an inheritance, gift or trust benefits to a patient or person responsible for the patient in excess of the exemptions provided by Section 4 of this Act, the patient or person responsible for the patient may elect partial payment in lieu of payment of full cost for patient charges by the establishment of an inter vivos trust which assures payment to the department from investment income and from the corpus to any unpaid liability upon the patient's death or discharge from the facility. The remainder of the corpus shall be distributed according to the terms of the trust or as otherwise provided by law. The provisions of KRS 381.180 relating to spendthrift trust shall not prevent the creation of an inter vivos trust as authorized herein.

SECTION 6. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

The secretary may adopt rules and regulations for carrying out the provisions of this Act and for participation in federal programs.

SECTION 7. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall be construed to preclude participation in federal programs.

Section 8. KRS 203.080, 210.275, 210.310, 210.315, 210.320, 210.325 are repealed.

SB 109, AN ACT relating to the department for human resources.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 194.030 is amended to read as follows:

The Department for Human Resources shall consist of the following major organizational units which are hereby created:

(1) Office of the Secretary.

(2) The Office for Policy and Budget. The Office for Policy and Budget shall provide the Secretary with professional support in planning, budgeting, and policy analysis, including the appraisal of needs, the

formulation of policy and the evaluation of programs. The Office for Policy and Budget shall be headed by an Administrator who shall be appointed by the Secretary with the approval of the Governor in accordance with KRS 12.050.

(3) The Office of the Counsel. The Office of the Counsel shall provide legal advice and assistance to all units of the Department in any legal action in which it may be involved. The Office of the Counsel shall employ all attorneys of the Department who serve the Department in the capacity of attorney and shall administer all personal service contracts of the Department for legal services. The Office of the Counsel shall be headed by a General Counsel who shall be appointed by the Secretary with the approval of the Governor in accordance with KRS 12.050 and 12.210. The General Counsel shall be the chief legal advisor to the Secretary and shall be directly responsible to the Secretary. The Attorney General, on the request of the Secretary, may designate the General Counsel as an Assistant Attorney General in accordance with the provisions of KRS 15.105.

(4) The Office of the Ombudsman. The Office of the Ombudsman shall provide a review of citizen complaints on services of the Department for Human Resources when such complaints cannot be resolved through normal administrative remedies. The Office of the Ombudsman shall be headed by an Ombudsman who shall be appointed by the Governor with the advice of the Secretary. The Ombudsman shall be directly responsible to the Secretary.

(5) *The office of medical services. The office of medical services shall advise the head of each major organizational unit enumerated in this section on policies, plans and programs relating to all matters of public health, including any actions necessary to safeguard the health of the citizens of the Commonwealth. The office of medical services shall be headed by a duly licensed physician who shall be appointed by the secretary with the approval of the governor and who shall be the chief medical officer of the Commonwealth. He shall perform his duties under the direction of the secretary and shall fulfill such responsibilities as delegated by the secretary.*

(6) The Bureau for Administration and Operations. The Bureau for Administration and Operations shall be responsible for providing or directing the provision of all administrative and operational support services within the Department for Human Resources. All fiscal, personnel, facility, and information management functions of the Department shall be vested in the Bureau for Administration and Operations. The Bureau for Administration and Operations shall be headed by a Commissioner for Administration and Operations who shall be appointed by the Secretary with the approval of the Governor in accordance with KRS 12.050. The Commissioner for Administration and Operations shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The Commissioner for Administration and Operations shall exercise authority over the Bureau for Administration and Operations under the direction of the Secretary and shall only fulfill such responsibilities as delegated by the Secretary.

(7) [(6)] The Bureau for Social Insurance. The Bureau for Social Insurance shall develop and operate all programs of the Department that provide income maintenance or income supplementation services and all social insurance benefit programs. The Bureau for Social Insurance shall also be responsible for all eligibility determination and certification functions associated with these programs. The Bureau for Social Insurance shall be headed by a Commissioner for Social Insurance who shall be appointed by the Secretary with the approval of the Governor in accordance with KRS 12.050. The Commissioner for Social Insurance shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The Commissioner for the Bureau for Social Insurance shall exercise authority over the Bureau for Social Insurance under the direction of the Secretary and shall only fulfill such responsibilities as delegated by the Secretary.

(8) [(7)] The Bureau for Health Services. The Bureau for Health Services shall develop and operate all programs of the Department that provide health and mental health services and all programs for the prevention, detection, care, and treatment of physical and mental disability, illness, and disease. The Bureau for Health Services shall be headed by a Commissioner for Health Services who shall be appointed by the Secretary with the approval of the Governor in accordance with KRS 12.050. The Commissioner for Health Services shall be a person who by [licensure in medicine under KRS Chapter 311 and] experience and training in administration and management is qualified to perform the duties of this office. The Commissioner for Health Services shall exercise authority over the Bureau for Health Services under the direction of the Secretary and shall only fulfill such responsibilities as delegated by the Secretary.

(9) [(8)] The Bureau for Social Services. The Bureau for Social Services shall develop and operate all social service programs of the Department. The Bureau for Social Services shall be headed by a Commissioner for Social Services who shall be appointed by the Secretary with the approval of the Governor in accordance with KRS 12.050. The Commissioner for Social Services shall be a person who by education, professional qualification, training, and experience in the administration and management of social service programs is qualified to perform the duties of this office. The Commissioner for the Bureau for Social Services shall exercise authority over the Bureau for Social Services under the direction of the Secretary and shall only fulfill such responsibilities as delegated by the Secretary.

(10) [(9)] The Bureau for Manpower Services. The Bureau for Manpower Services shall develop and operate all manpower development and placement programs including all job recruitment and business liaison functions, employability development and training programs, and all job counseling and job placement programs of the Department. The Bureau for Manpower Services shall be headed by a Commissioner for Manpower Services who shall be appointed by the Secretary with the approval of the Governor in accordance with KRS 12.050. The Commissioner for the Bureau for Manpower Services shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The Commissioner for the Bureau for Manpower Services shall exercise authority over the Bureau for Manpower Services under the direction of the Secretary and shall fulfill only such responsibilities as delegated by the Secretary.

Section 2. Whereas, the present requirement that the Commissioner of the Bureau of Health Services be a licensed physician and the proposed deletion of that requirement in this Act leaves an administrative void in the current administration of that Bureau, an emergency is declared to exist and this Act shall become effective upon passage and approval by the Governor.

SB 112, AN ACT relating to covered wooden bridges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 148.163 is amended to read as follows:

(1) The department of parks shall hold title to all covered wooden bridges in the Commonwealth which are no longer open to vehicular traffic and shall maintain these bridges for safety as well as for historical and aesthetic beauty at all times.

(2) In the event a covered bridge is closed to traffic by a unit of government, the department of parks shall take the necessary steps to preserve the bridge, by removal if required.

(3) The department may enter into agreements with political subdivisions, public agencies or private nonprofit institutions or organizations whereby the right of possession and the obligation of maintenance to a covered wooden bridge set forth above in subsections (1) and (2) is transferred to such entities by the department.

SB 113, AN ACT relating to aviation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 183.140 is amended to read as follows:

(1) The department of transportation is authorized to establish in cooperation with airport boards, established pursuant to KRS 183.132 through; 183.138, a pilot demonstration air service project for the purpose of developing air services on a regularly scheduled basis for the movement of passengers, mail and cargo by a commuter air carrier between *three (3)* [five (5)] or more airport termini in the commonwealth of Kentucky *at least one of which does not receive service from a carrier certificated by the civil aeronautics board,* in the public interest of convenience and necessity for air transportation.

(2) The department of transportation may reimburse any airport board for direct financial aid, or benefits and services in lieu thereof, which the airport board has expended for the development of commuter air carrier services that provide regularly scheduled passenger, mail and cargo service or any combination thereof to the airport terminus operated by the airport board.

(3) Any airport board established pursuant to KRS 183.132 through 183.138 is authorized to provide direct financial aid, or benefits and services in lieu thereof, to commuter air carriers that provide regularly scheduled passenger, mail, and cargo service or any combination thereof to their community.

Section 2. KRS 183.150 is amended to read as follows:

Within the limits of the appropriation made to the department, the department may by agreement provide reimbursement to airport boards, for a period not to extend beyond June 30, *1980* [1978], to reimburse them for direct financial aid, or benefits and services in lieu thereof, which the airport boards have expended, in accordance with KRS 183.140 for the development of commuter air services that have provided their communities with regularly scheduled passenger, mail and cargo service or any combination thereof.

Section 3. KRS 183.870 is amended to read as follows:

[(1)] The commission shall establish by regulation the maximum height to which any structure may be erected within the navigable air space of the state. In establishing such maximum heights, the commission shall consider, among other things, the regulations or standards promulgated by the federal aviation administration, the terrain involved, the location of the structure in relation to airports, the safety of aircraft, the safety of surface persons and structures, the future development of the area involved, the density of population and dwelling within the area involved, the interest of the public in developing a sound public air transportation system within the state and the interest of the person desiring to erect such structure, except that upon application to the commission, special permission may be granted to exceed such heights. The commission shall, before issuing any such permit, give consideration to the standards set out herein.

[(2) In the air space above the ground outside of the areas in which airport zoning jurisdiction has been assumed by the rules and regulations of the Kentucky airport zoning commission, no structure shall be constructed, altered, or changed so that its height exceeds 1,000 feet above the ground, except upon application to and approval from the Kentucky airport zoning commission.]

SB 150, AN ACT relating to the reimbursement of official travel and related expenses of state officers and employees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 45.180 is amended to read as follows:

(1) Except as otherwise provided by law, each state officer or employe who is authorized by law to receive, from corporations or from the state treasury or any fund appropriated out of the state treasury, his traveling or other expenses incident to the discharge of his official duties, shall submit to the executive department for finance and administration an itemized statement of such expenses, accompanied by a receipt for each item of expense in excess of two dollars ($2.00), before the department shall audit or pay such expenses. The executive department for finance and administration may rely on a preaudit performed by the budget unit as a basis for issuing a warrant.

(2) The executive department for finance and administration may issue rules and regulations to permit state agencies and institutions to contract with airlines, railroads, hotels or other companies for services to a group of their employes while on official travel status. Such expenses are to be submitted to the executive department for finance and administration on forms prescribed by the executive department for finance and administration before the department shall audit or pay such expenses.

(3) The executive department for finance and administration may issue rules and regulations to permit state officers or employes to assign their claim for reimbursement of travel expenses to airline, railroad, hotel, or other companies in payment of services rendered as provided for in subsection (2) of this section and as shown on the itemized statement and receipts as provided for in subsection (1) of this section, which statement and receipts shall indicate that such company has extended credit to said officer or employe in the name of the state and incident to the discharge of his official duties.

(4) Each state officer or employe who by reason of the duties assigned to his office, is required to be at the state capital for the majority of the time, or who has an office located at the state capital, shall not be permitted to charge for expenses except from the state capital to the place where the business he is transacting is to be transacted, and from that place back to the state capital, and each officer or employe who is assigned to duty at some place other than the state capital shall only be permitted to charge to the state such expenses as are incurred in going from that place to the place where the business is transacted, and returning. Expenses in going from the state capital or the place where the officer or employe is assigned to duty to the officer's or employe's real place of residence, or in return therefrom, shall not be allowed unless it is shown that it was necessary for him to make the trip in the discharge of business for the state.

(5) The executive department for finance and administration may issue rules and regulations to permit the payment of travel and other expenses incidental to the official activities of formally organized groups sponsored by or otherwise representing state agencies. The payment may be made direct to service establishments in the manner set forth in subsection (3) of this section, by an inter-account bill between budget units, or by reimbursement to the official or other employe who has been designated as the officer-in-charge of the organized group. If it is necessary that one or more state employes or officials travel with the group, their expenses may be included in the total expenses for the group.

(6) The executive department for finance and administration may issue rules and regulations allowing heads of budget units to establish imprest cash funds for reimbursement of travel expenses.

(7) *Except as provided in KRS Chapter 6, but the provisions of any other laws to the contrary notwithstanding, and* in lieu of the reimbursement of travel and other incidental expenses authorized by subsection (1) of this section, [and except as may otherwise be provided by law,] the executive department for finance and administration may issue rules and regulations to *provide for* [permit] the payment out of the

state treasury, of a fixed expense allowance per day to be established by the secretary of said department, plus necessary travel expenses, to each state officer or employe who is authorized by law to be reimbursed for expenses incurred in the discharge of his official duties.

SB 163, AN ACT relating to sheriff's fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.070 is amended to read as follows:

(1)(a) Except as provided in KRS 441.050, an officer conveying a prisoner to the penitentiary shall be paid out of the state treasury *the rate per mile paid state employes for official travel in privately owned vehicles, as established by regulation of the executive department for finance an administration* [fourteen cents (14¢) per mile], to be calculated by the nearest traveled route, and shall be paid all actual necessary expenses for feeding, lodging and transporting the prisoner.

(b) Upon the production of the receipt of the superintendent of the penitentiary for the delivery of a prisoner, and a complete verified account of all expenses incurred, giving the names of the guards employed and distance traveled, the executive department for finance and administration shall audit the account of the officer for conveying the prisoner and if found correct draw a warrant for its payment.

(2)(a) For conveying a prisoner charged with a felony from one (1) county to another, an officer shall receive the same mileage and expenses allowed for conveying a prisoner to the penitentiary, to be paid out of the state treasury except as provided in KRS 441.040.

(b) Upon the production of the receipt of the jailer of the county to which the prisoner is transferred, and a complete verified account of all expenses incurred, giving the names of the guards employed and the distance traveled, the executive department for finance and administration shall audit the account of the officer for conveying the prisoner and if found correct shall draw a warrant for its payment.

(3)(a) For arresting a person charged with a misdemeanor upon a warrant issued from another county, and conveying the person to the county jail of the county from which the warrant issued, an officer shall be paid out of the county treasury of such county the same mileage and expenses allowed for conveying a prisoner to the penitentiary.

(b) The officer shall present to the county judge/executive of the county from which the warrant issued a verified and itemized statement of his mileage and expenses and the county judge/executive shall direct the county treasurer to pay the same out of the county treasury.

(4) For conveying a prisoner charged with a felony to the jail of the county in which he was arrested an officer shall be paid out of the state treasury *the rate per mile paid state employes for official travel in privately owned vehicles, as established by regulation of the executive department for finance and administration* [fourteen cents (14¢)] for each mile traveled in going and returning.

(5) The number of guards employed in conveying prisoners to the penitentiary or from one (1) county to another shall not exceed one (1) for every two (2) prisoners. Where only one (1) prisoner is conveyed no guard shall be employed, except that the circuit judge may appoint one (1) guard for each prisoner to the nearest railroad station.

Section 2. KRS 64.090 is amended to read as follows:

Sheriffs may charge and collect for the following services the following fees:

Executing and returning process	$3.00
Serving an order of court and return	3.00
Summoning each witness	*2.00* [1.00]
Summoning an appraiser or reviewer	*2.00* [1.00]
Attending a surveyor, when ordered by a court, *per deputy or sheriff assigned*	*20.00* [2.00]
Taking any bond that he is authorized or required to take in any action	*5.00* [2.00]

Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, six per cent (6%) on the first three hundred dollars ($300) and three per cent (3%) on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by the order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case.

Taking a recognizance of a witness	*$3.00* [$1.00]
Levying an attachment	*5.00* [2.50]

When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court.

Summoning a garnishee 3.00

Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail to be paid by the party convicted .... *8.00* [7.00]

Serving process or arresting the party in misdemeanor cases, to be paid by the plaintiff .... *10.00* [7.00]

Serving an order or process of revivor .... *3.00* [2.00]

Executing a writ of possession against each tenant or defendant .... *25.00* [7.00]

Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission.

Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses .... *8.00* [6.00]

Collecting militia fines and fee-bills, ten per cent (10%), to be deducted out of the fee-bill or fine.

Levying for a fee-bill .... *3.00* [2.00]

Serving a notice 2.00

Serving *summons,* warrants or process of arrest in bastardy cases 6.00

Serving each order appointing surveyors of roads, to be paid out of the county levy .... *5.00* [1.00]

Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant .... *5.00* [1.00]

Like services in cases of private passways to be paid by the applicant .... *5.00* [1.00]

Executing each writ of habeas corpus, to be paid by the petitioner .... *3.00* [2.00]

All services under a writ issued under KRS 381.460 to 381.570 .... *10.00* [5.00]

Performing the duties of jailer, the same fees and allowances that are prescribed for jailers.

For services in summoning grand and petit jurors and performing his duties under KRS Chapter 29A the sheriff shall be allowed, for each person so summoned, and paid out of the state treasury for constructive service the sum of $1.50 and for personal service the sum of $3.00.

Section 3. KRS 64.095 is amended to read as follows:

(1) Each sheriff, deputy sheriff or constable in each county executing a notice, subpoenas or summons shall be paid his expenses in the service of such papers through the payment of miles traveled by such sheriff, deputy sheriff or constable at the rate of *per mile paid state employes for official travel in privately owned vehicles, as established by regulation of the executive department for finance and administration* [ten cents (10¢) per mile].

(2) The sheriff, deputy sheriff or constable shall be paid the mileage by the litigants in any criminal or civil action at the time of the delivery of such notice, subpoena or summons.

(3) If such litigant is financially unable to make such payments, he may take the oath in "forma pauperis."

(4) The provisions of this section shall not apply with relation to the delivery of a notice, subpoena or summons on behalf of the Commonwealth of Kentucky.

The Committee Amendment to **SB 163** is as follows:

Amend printed copy of **SB 163,** page 5, line 3, after the word "defendant" by deleting the number "25.00" and inserting therefor "7.00".

SB 167, AN ACT relating to claims against the state.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 44.086 is amended to read as follows:

(1) *The board may require affected state agencies to investigate claims and the incidents on which they are based and to furnish to the board and the claimant in writing the facts learned by investigation. Such response shall be sufficiently specific to support a decision by the board to pay or deny the claim. If the agency believes the state should refute a claim, the agency shall cite the facts about the incident that support its belief.*

(2) If the claim is under $500 and the board believes it needs additional facts before deciding the claim, the parties may provide the needed information by letter or as directed by the board.

(3) The board shall hold hearings on contested claims whose value is $500 or greater but may decide claims under $500 without a hearing unless the claimant asks the board for a hearing.

(4) At its hearings, the board [of claims], or any of its members, or any of its *hearing officers* [referees,] shall hear the parties at issue and their representatives and witnesses [and shall determine the dispute].

(5) The award or order shall be made *by the board or by a member assigned by the chairman* within thirty (30) days after final submission, except in cases involving large or complicated records or unusual questions of law, and shall be made within ninety (90) days after final submission in any event. The order or award, together with a statement of the findings of fact, rulings of law and other matters pertinent to the question at issue shall be filed with the record of *the claim* [proceedings] and a copy of the order or award shall immediately be sent to the parties in dispute.

(6) [(2)] If an application for review is made to the board within fourteen (14) days from the date of the order or award, the full board, if the first *decision was not made by* [hearing was not held before] the full board, shall, as soon as practicable, review the evidence, or, if deemed advisable, hear the parties at issue, their representatives and witnesses, and shall make an order or award and file it as specified in subsection *(5)* [(1)] above.

SB 305, AN ACT relating to tourism.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 152.020 is amended to read as follows:

(1) There is hereby created an agency of the state government to be known as the department of commerce, which shall constitute a department of the state government within the meaning of KRS chapter 12. The department shall consist of a commissioner and such administrative bodies and employes as are provided by law.

(2) The department, subject to the provisions of KRS 12.010 to 12.190, shall be organized into a division devoted to industrial development, *a division devoted to locating businesses within the state which process agricultural products and assist and promote the marketing and exportation of said products* [a business development division], a division devoted to research and planning, a division devoted to *existing industries* [community services, a division devoted to commercial development], a division devoted to development of minority business enterprise, a division devoted to international trade and reverse investment, *a division devoted to tourism development* and such other divisions and sections as are from time to time deemed necessary for the proper and efficient operation of the department.

(3) The executive officer of the department shall be the commissioner of the department of commerce. The commissioner shall be appointed by the governor and shall serve at the pleasure of the governor. The commissioner shall have general supervision and direction over all activities and functions of the department and its employes, and shall be responsible for carrying out the programs and policies of the department. The commissioner shall be the chief executive officer of the department and, as such, shall have authority to enter into contracts, subject to the approval of the secretary of the development cabinet and the commissioner of the executive department for finance and administration, when such contracts are deemed necessary to implement and carry out the program of the department.

Section 2. KRS 152.060 is amended to read as follows:

(1) The department shall assemble and keep in the offices of the department such information relating to natural resources, industrial sites, labor supply, water, fuel, power, wage rates, taxation and assessments, transportation and communication facilities and such other information as may be useful in executing the provisions of KRS 152.010 to 152.080. Such information shall be made available to any enterprise which, in the discretion of the commissioner, is legitimate and which contemplates location or operation within the Commonwealth. Such information shall, in the discretion of the commissioner, be made available to any governmental or private agency interested in securing the location or operation of any such legitimate enterprise within the Commonwealth.

(2) The department shall obtain from enterprises interested in locating and operating within the Commonwealth information relating to the nature of the enterprise, its financial responsibility, manpower requirements, probable consumption of raw materials and such other information as may be useful in securing the location of such enterprise in the Commonwealth.

(3) The department shall be the primary industrial and commercial development agency of the Commonwealth of Kentucky in matters relating to the private sector of the state's economy. The department shall carry out programs relating to industrial and commercial development, research and planning, *existing industries, agribusiness* [community services], minority business enterprise, international trade and reverse

investment, *tourism development* and other programs designated by the governor.

SECTION 3. A NEW SECTION OF KRS CHAPTER 153 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established an agency of state government known as the department of tourism, a department within the meaning of KRS Chapter 12. The department shall consist of a commissioner and such administrative bodies, division and employes as are provided by law. The department shall be attached to the cabinet for development.

(2) The executive officer of the department shall be the commissioner of the department of tourism. The commissioner shall be appointed by the governor and shall serve at the pleasure of the governor. The commissioner shall have general supervision and direction over all activities and functions of the department and its employes, and shall be responsible for carrying out the programs and policies of the department. The commissioner shall be the chief executive officer of the department and, as such, shall have authority to enter into contracts, subject to the approval of the secretary of the development cabinet and the commissioner of the executive department for finance and administration, when such contracts are deemed necessary to implement and carry out the program of the department.

SECTION 4. A NEW SECTION OF KRS CHAPTER 153 IS CREATED TO READ AS FOLLOWS:

(1) The department of tourism shall coordinate the promotion and development of all aspects of the tourist industry in the Commonwealth.

(2) The department shall assist local communities and businessmen in the tourist field to enhance local tourist industry development.

(3) The department shall study the state's tourism needs by area, conduct feasibility studies, analyze the economic potential of markets, make traveler studies, analyze resources and all other relevant matters.

(4) The department shall coordinate programs providing technical management assistance, hospitality training and other matters directed toward promotion of state tourism.

Section 5. Due to the importance of tourism development in our Commonwealth, and the fact that there is no agency solely responsible for tourism promotion, an emergency is declared to exist and Section 1 and 2 of this Act shall become effective on passage and approval by the governor. Sections 3 and 4 of this Act shall become effective July 1, 1979.

Regular Calendar

HB 317, HB 349, HB 476, HB 504, HB 655, HB 718, HB 735, HB 760, HCR 83, HCR 99, SB 184, HB 766, HB 107, HB 347, HB 611, HB 698, HB 713, and **HB 750** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Consent Calendar

HB 651 and **HB 607** taken from the Consent Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors of Bills and Resolutions. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

Representative DeFalaise filed a request to have his name added as a co-sponsor of **HR 120.**

Representative Bendl moved that **HB 642** be withdrawn. Agreed.

Representative B. Richardson moved that the rules be suspended to allow Senate Bills to be posted for one day only. Agreed.

Representative B. Richardson moved that the rules be suspended to recommit **HB 229** to the Committee on Appropriations and Revenue. Agreed.

Representative B. Richardson moved that the rules be suspended to allow the Committee on Appropriations and Revenue to place **HB 229** back in Orders of the Day with the Committee Substitute attached thereto. Agreed.

Representative Burnette moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Burnette requested that he be recorded as voting "yea" on **HB 264**. Agreed.

Representative LeMaster moved that the rules be suspended for the purpose of acting on a Resolution. Agreed.

Representative LeMaster moved the adoption of the following **HR 115:**

HR 115, A RESOLUTION to adjourn in honor of the University of Kentucky Wildcat football team.

WHEREAS, during the 1977 football season the University of Kentucky football Wildcats gave an outstanding performance on the college gridiron; and

WHEREAS, this exciting Wildcat team achieved a 10-1 record, its best in 27 years, was undefeated in Southeastern Conference play for the first time in the school's history, and consistently was ranked among the top ten college football teams in the United States; and

WHEREAS, Coach Fran Curci was named Coach-of-the-Year in the Southeastern Conference and five of his players: Tom Dornbrook, Dallas Owens, Derrick Ramsey, Mike Siganos and Art Still, were elected to the All-Conference team, including two players: Derrick Ramsey and Art Still, who were also named to the All-American team; and

WHEREAS, this edition of the "Big Blue" rose above numerous and severe injuries in their final game to soundly thrash the Tennessee Volunteers, thus making it the second consecutive year that the Wildcats have put the squeeze on the "Big Orange"; and

WHEREAS, this body deems it necessary to commend the players and Coach Fran Curci and his staff for their dedicated efforts in making the "Big Blue" strike fear and admiration in the eyes of opposing college football teams throughout the country;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives adjourns this day, it does so in honor of the University of Kentucky Wildcat football team.

Section 2. That the Clerk of the House be directed to deliver a copy of this resolution to Coach Fran Curci.

Agreed.

Representative Adams moved the adoption of the following Legislative Citation No. 63:

The House of Representatives hereby congratulates Coach Jim Richards and his excellent basketball team of Western State University, Bowling Green, Kentucky, for their superior performance in winning the Championship of the Ohio Valley Basketball Conference Saturday, March 4, 1978. This was Coach Richards 101st game won during his services at Western State University. We are very proud of the outstanding team effort, high level of competition and competency demonstrated. The team will compete in the Regional finals of the NCAA on Saturday, March 11, at Knoxville, Tennessee and we extend our very best wishes to Coach Richards and his fine team for a successful performance. Coach Richards has resigned as head coach of the basketball team and this great Body, the House of Representatives, commends Coach Richards for his high caliber of leadership, his implicit faith in students and his great dedication. Their triumphant record in basketball is a great tribute to them, their school and our great Commonwealth of Kentucky. (Sponsored by Representative Adams)

Agreed.

Representative Morris moved the adoption of the following Legislative Citation No. 41:

The House of Representatives hereby commends Gregg Smith, past vice-president of the Jaycees and Co-Chairman of the Junior Miss Pageant for his excellent leadership. The Junior Miss Pageant is an annual project sponsored by the Jaycees in promoting their deep concern, interest and faith in our youth. Cultural appreciation, development of talents and abilities, good grooming, congeniality and pride in self are immediate goals. Candidates are selected from the high schools in Christian, Trigg, Fort Campbell and Todd Counties. Scholarships are awarded. We applaud Gregg Smith for his unselfish service and for being a friend of the youth. (Sponsored by Representative Morris)

Agreed.

Representative Morris moved the adoption of the following Legislative Citation No. 42:

The House of Representatives hereby commends Tom Sholar, Director of the Jaycees and past chairman of the Junior Miss Pageant for his excellent leadership. The Junior Miss Pageant is an annual project sponsored by the Jaycees in promoting their deep concern, interest and faith in our youth. Cultural appreciation, development of talent and abilities, good grooming, congeniality and pride in self are immediate goals. Candidates are selected from the high schools in Christian, Trigg, Fort Campbell and Todd Counties. Scholarships are awarded. We applaud Tom Sholar for his unselfish service and for being a friend of the youth. (Sponsored by Representative Morris)

Agreed.

Representative Morris moved the adoption of the following Legislative Citation No. 43:

The House of Representatives hereby commends Fagan Pace, State Jaycee Director and chairman of the Junior Miss Pageant for his excellent leadership. The Junior Miss Pageant is an annual project sponsored by the Jaycees in promoting their deep concern, interest and faith in our youth. Cultural appreciation, development of talent and abilities, good grooming, congeniality and pride in self are immediate goals. Candidates are selected from the high schools in Christian, Trigg, Fort Campbell and Todd Counties. Scholarships are awarded. We applaud Fagan Pace for his unselfish service and for being a friend of the youth. (Sponsored by Representative Morris)

Agreed.

Representative Priddy moved that her name be withdrawn as a co-sponsor of **HB 748.** Agreed.

Representative Yates moved that his name be withdrawn as a co-sponsor of **HB 748.** Agreed.

Representative Richards moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Richards requested that he be recorded as voting "yea" on **HB 253.** Agreed.

Representative B. Richardson moved that the rules be suspended to waive the posting requirement on **HR 79.** Agreed.

The Clerk announced a meeting of the Committee on Appropriations and Revenue on recess in Room 307.

Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day

HCR 17 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Weinberg moved the adoption of the following Floor Amendment No. 1 to **HCR 17:**

Amend printed copy of **HCR 17,** page 3, line 5, by adding the following:

"Section 3. Staff services to be utilized in completing this study are estimated to cost $6,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission."

Agreed.

Representative Weinberg moved that **HCR 17,** as amended, be passed.

On the roll call the vote was yeas 66-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Burch, Burnette, Carpenter, Clarke, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Guy, Haering, Hancock, Hines, Holloway, Imes, Isler, Kenton, Kidd, Kleier, Layman, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Patrick, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright. Nays 10-Brown, Cyrus, Gay, Gray, Holbrook, Johnson, Jones, McKinney, Pearman, Trevey.

HCR 17, as amended, was passed and the title agreed to.

Representative Weinberg moved that the vote by which **HCR 17,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 48 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **HCR 48** be passed.

On the roll call the vote was yeas 80-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kleier, Layman, LeMaster, List, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, White, Wilborn, Worthington, Wright, Yates. Nays 1-Pearman.

HCR 48 was passed and the title agreed to.

Representative Clarke moved that the vote by which **HCR 48** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 50 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **HCR 50** be passed.

On the roll call the vote was yeas 84-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Carpenter, Clapp, Craddock, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kleier, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HCR 50 was passed and the title agreed to.

Representative Bruce moved that the vote by which **HCR 50** was passed reconsidered and said motion be postponed indefinitely. Agreed.

HB 87, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved the adoption of the Committee Substitute to **HB 87.** Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 7 to the Committee Substitute to **HB 87:**

Amend printed copy of Committee Substitute to **HB 87**, on page 12, line 16, by inserting the words "within its boundaries" after the word "function";

and on page 12, line 22, by inserting at the end of the line the following: "Except for taxation, regulation and the provision of electric utility service, a city may exercise such power or perform such function beyond its boundaries upon the consent of the fiscal court or city legislative body having jurisdiction over the territory in question and having the authority to exercise such power or perform such function on its own behalf.";

and on page 147, lines 7 through 24, by deleting lines 7 through 24 in their entirety.

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 8 to the Committee Substitute to **HB 87:**

Amend printed copy of Committee Substitute to **HB 87**, on page 158, line 1, by inserting after "KRS 67A.020" the words "*, in counties not containing a city of the first class*" and by inserting after "Act" the words "*, in counties containing a city of the first class*".

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 10 to the Committee Substitute to **HB 87:**

Amend printed copy of Committee Substitute to **HB 87**, pages 22, 23, 24, 152, 153, 154, 155, 156, on page 22, line 16, by deleting the words "The reading of an ordi-";

and on page 22, lines 17 and 18, by deleting lines 17 and 18 in their entirety and inserting in lieu thereof: "At least five (5) days prior to the final reading of the ordinance a summary thereof shall be published in accordance with KRS Chapter 424.";

and on page 23, line 26, by deleting line 26 in its entirety;

and on page 24, lines 1 and 2, by deleting lines 1 and 2 in their entirety and inserting in lieu thereof:

"(9) Except in cities of the first class, no ordinance shall be effective until published pursuant to KRS 424 either in full when the ordinance is a new ordinance, or in summary form when the ordinance is an amendment to an existing ordinance, in which event the summary should state the effect of the amendment to the existing ordinance. Ordinances that include descriptions of real property may include an sketch drawing, or map, including common land marks, such as streets or roads, rather than metes and bounds description.

(10) By ordinance, a city may specify additional requirements for adoption of ordinances or prescribe procedures in greater detail than contained herein, but a city may not lessen or reduce the requirements of this section or other requirements provided by statute.";

and on page 24, line 3, by renumbering "(10)" as "(11)";

and on page 152, line 4, by inserting after the word "rate" the following: "*equivalent to no more than he would receive if the advertisement were set single column, solid nine-point with one-point leading. If the advertisement is set in type smaller than nine-point, payment will be made on the basis of space actually required for the advertisement*", and by placing a bracket " [" before the word "per";

and on page 152, line 5, by placing a bracket "]" after the word "measure";

and on page 153, line 26, by inserting before the period "." at the end of the line: "*and that the expenditure for the cost of the alternative method of publication did not exceed the cost of newspaper publication of the advertisement*";

and on page 154, lines 12 through 19, by deleting lines 12 through 19 in their entirety and inserting in lieu thereof:

"*(2) When the cost of newspaper publication exceeds the cost of the alternative method of publication, persons responsible for publication as described in KRS 424.150 may, in lieu of newspaper publication of advertisement, substitute delivery of a copy of the advertisement by hand or by first-class mail to each residence and place of business within the publication area and to all interested persons who request receipt of such advertisement but who do not reside or have a place of business within the publication area.*";

and on page 154, line 22, by deleting the brackets;

and on page 154, line 23, by deleting the brackets, and by deleting the words "*of the first class,*";

and on page 154, line 24, by deleting the brackets;

and on page 154, line 26, by deleting the word "*any*";

and on page 155, line 1, by deleting the brackets;

and on page 155, line 2, by deleting the bracket "]";

and on page 155, line 3, by deleting the brackets;

and on page 155, line 7, by deleting the brackets;

and on page 155, line 15, by inserting after the words "show the" the following: "*name and classification of each employe, the amount of funds collected and received, from what source received, the amount of funds disbursed to any person, firm or vendor exceeding in a period of one (1) year the sum of $500.00, for what purpose expended, and to whom paid, except that the total of amounts paid to each individual as salary or commission and public utility bills need to be shown*", and by placing a bracket " [" before the word "amount";

and on page 155, line 20, by placing a bracket "]" after the word "shown";

and on page 156, line 18, by deleting the brackets;

and on page 156, line 25, by inserting at the end of the line:

"Section 137. KRS 424.240 is amended to read as follows:

(1) At least ten (10) days prior to the consideration of an annual budget by any city other than one of the first class, the city clerk shall cause an advertisement to be published in a newspaper setting forth notice of the date, time and location at which the city legislative body shall consider the annual budget. The advertisement shall set forth the location where the budget document and budget message may be inspected during business hours and a copy of the budget and budget message shall be made available at no charge to anyone upon request.

(2) Immediately following the adoption of an annual budget by any city other than one of the first class, the city clerk shall cause a summary of the budget or the text of the budget ordinance to be advertised for the city by publication in a newspaper.";

and on subsequent pages renumber sections accordingly.

Agreed.

Representative Fitzgerald moved the adoption of the following Floor Amendment No. 4 to Committee Substitute to **HB 87:**

Amend printed copy of Committee Substitute to **HB 87,** on page 158, line 1, by inserting at the end of the line:

"SECTION 139. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:
(1) No tort claim for damages accruing after the effective date of this section shall lie against any city or urban-county government except in the board of claims created under KRS 44.070 in the manner and under the limitations provided in KRS 44.070 to 44.160, this section and Sections 140 and 141 of this Act.

(2) Any defense to such tort claim shall be provided, and any award shall be paid, by the city or urban-county government. Each city or urban-county governemnt shall be assessed and shall remit its pro-rata share or cost of operation of the board pursuant to KRS 44.100.

(3) This section shall not apply to actions maintainable, and shall not limit any amount recoverable, under law prior to adoption of the present Kentucky constitution for injuries resulting in death, or for injuries to persons or property.

SECTION 140. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

The Board of claims shall have power and authority the same as set out in KRS 44.070 with respect to torts on the part of a city or urban-county government, any of its departments or agencies, or any of its officers, agents or employes while acting within the scope of their employment by the city or urban-county government or any of its departments or agencies.

SECTION 141. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

Any action against a city or urban-county government prosecuted to award or judgment through the board of claims shall preclude the right of a claimant to sue the city or urban-county government, its department or agencies, or its officers, agents or employes in any other forum."

and on subsequent pages renumber sections accordingly.

Representative Van Horn moved that Floor Amendment No. 4 to the Committee Substitute to **HB 87** be laid on the table.

On the roll call the vote was yeas 41-J. Allen, W. Allen, Bennett, Boatwright, Boswell, Brown, Bruce, Burnette, Crupper, Cyrus, DeMarcus, Deskins, Dietz, Dunn, Foster, Gay, Gray, Guenthner, Guy, Haering, Head, Imes, Little, Marcum, Maynard, McKinney, Morris, O'Brien, Overstreet, Plummer, Priddy, Riner, Robinson, Romines, F. Smith, Stone, Trevey, Van Horn, Worthington, Wright, Yates. Nays 45-Adams, Arnold, Bendl, Benson, Blandford, Blythe, Brinkley, Clapp, Clarke, Craddock, Davenport, DeFalaise, Donnermeyer, Fitzgerald, Hancock, Hines, Holbrook, Hurst, Isler, Kenton, Kidd, Kleier, LeMaster, List, Mann, McNutt, Net, Noe, Patrick, Pearman, Petty, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, R. Smith, Thomas, Tobin, Turner, Weinberg, Wells, Wilborn, Williams.

The motion that Floor Amendment No. 4 to the Committee Substitute to HB 87 be laid on the table was rejected.

On the roll call the vote was yeas 42-Adams, W. Allen, Arnold, Bendl, Benson, Blythe, Brinkley, Burch, Craddock, Crupper, Deskins, Donnermeyer, Fitzgerald, Foster, Guy, Haering, Hancock, Hines, Imes, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Mann, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Richards, P. Richardson, Sale, F. Smith, Thomas, Tobin, Wright. Nays 48-Bennett, Beshear, Boatwright, Brown, Bruce, Burnette, Clapp, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Dunn, Gay, Gray, Guenthner, Head, Holbrook, Hurst, Isler, Johnson, Layman, Little, Marcum, Maynard, McBee, McKinney, Plummer, Priddy, Rattliff, B. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, R. Smith, Stewart, Stone, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Yates.

The motion that Floor Amendment No. 4 to Committee Substitute to **HB 87** be adopted was rejected.

Representative Blythe moved the adoption of the following Floor Amendment No. 3 to Committee Substitute to **HB 87:**

Amend printed copy of Committee Substitute to **HB 87,** page 131, line 4, by inserting a period "." after the word "located" and deleting the words ", except in cities of the fifth and sixth class";

and on page 131, lines 5 through 7, by deleting lines 5 through 7 in their entirety.

On the roll call the vote was yeas 30-Adams, W. Allen, Bendl, Benson, Beshear, Blythe, Boswell, Craddock, Foster, Guenthner, Hancock, Holbrook, Holloway, Imes, Kleier, Lindsay, Marcum, Maynard, McNutt, Nett, O'Brien, Pearman, Plummer, Richards, Robinson, Schmidt, Thomas, Tobin, Trevey, White. Nays 29-Bennett, Bruce, Burnette, Clapp, Crupper, Cyrus, Davenport, Deskins, Dietz, Dunn, Gay, Gray, Guy, Hines, Isler, Jones, Kenton, Morris, Noe, Petty, Priddy, Romines, Siemens, F. Smith, Stone, Van Horn, Williams, Wright, Yates.

Floor Amendment No. 3 to the Committee Substitute to **HB 87** was adopted.

Representative Holloway moved the adoption of the following Floor Amendment No. 9 to the Committee Substitute to **HB 87:**

Amend printed copy of Committee Substitute to **HB 87,** page 108, line 23, after the word "area" insert the following: "or the unincorporated area of the county";

and on page 108, line 26, and page 109, line 1, delete the words "that incorporated area" and insert in lieu thereof the words: "such areas";

and on page 109, line 2, delete the words "incorporated area" and insert in lieu thereof the word: "areas";

and on page 109, line 5, delete the word "cities" and insert in lieu thereof the word: "areas".

Agreed.

Representative Benson moved that **HB 87,** by way of Committee Substitute as amended, be passed.

Representative Holbrook moved the adoption of the following Floor Amendment No. 2 to the Committee Substitute to **HB 87:**

Amend printed copy of Committee Substitute to **HB 87,** pages 147, 148 and 149, by deleting Section 130 in its entirety, and by renumbering each section thereafter.

Agreed.

Representative Cyrus moved the adoption of the following Floor Amendment No. 13 to the Committee Substitute to **HB 87:**

Amend printed copy of Committee Substitute to **HB 87,** page 162; line 6, by deleting therefrom "95.445".

Agreed.

Representative Williams moved the previous question on **HB 87,** by way of Committee Substitute, as amended.

On the roll call the vote was yeas 23-Bendl, Benson, Blythe, Craddock, DeFalaise, Foster, Hancock, Hines, Kenton, Kidd, List, Maynard, McBee, McNutt, Nett, Noe, B. Richardson, Sale, F. Smith, Thomas, Weinberg, Wilborn, Williams. Nays 42-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Boswell, Brinkley, Bruce, Burnette, Crupper, Davenport, Deskins, Dietz, Dunn, Gay, Gray, Guenthner, Guy, Holbrook, Holloway, Imes, Isler, Johnson, LeMaster, Lindsay, Marcum, Morris, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, Riner, Romines, Siemens, Stone, Van Horn, Yates.

The motion that the previous question be adopted on **HB 87** was rejected.

Representative Holbrook moved that the Floor Amendment No. 2 be reconsidered.

On the roll call the vote was yeas 62-J. Allen, Bennett, Blandford, Boswell, Brinkley, Burch, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Kenton, Kidd, Kleier, Lindsay, List, Little, Marcum, Maynard, McBee, McKinney, Overstreet, Patrick, Pearman, Petty, Plummer, Rattliff, Richards, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, R. Smith, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 0.

The motion that Floor Amendment No. 2 to the Committee Substitute to HB 87 be reconsidered was adopted.

Representative Holbrook moved that **HB 87,** by way of Committee Substitute as amended, be laid on the Clerk's desk.

On the roll call the vote was yeas 51-Adams, J. Allen, W. Allen, Bennett, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Dunn, Gay, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Isler, Lindsay, Marcum, May, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, Romines, Schmidt, F. Smith, Stone, Tobin, Van Horn, Weinberg, Wright. Nays 22-Bendl, Benson, Blythe, Clarke, Craddock, Foster, Hancock, Hines, Johnson, Kenton, Kidd, Kleier, List, McNutt, Nett, Patrick, B. Richardson, Riner, Thomas, Wilborn, Williams, Yates.

The motion that **HB 87,** by way of Committee Substitute as amended, be laid on the Clerk's desk was adopted.

HJR 52 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wright moved the adoption of **HJR 52.**

Representative Gray moved the previous question on **HJR 52.**

On the roll call the vote was yeas 61-J. Allen, W. Allen, Arnold, Bennett, Benson, Blandford, Boatwright, Boswell, Brinkley, Burnette, Carpenter, Clapp, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guy, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Layman, List, Little, Marcum, May, Maynard, McKinney, Noe, O'Brien, Patrick, Pearman, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Worthington, Wright, Yates. Nays 22-Adams, Bendl, Beshear, Blythe, Bruce, Clarke, Craddock, Haering, Kenton, Kidd, LeMaster, Lindsay, Mann, McBee, Morris, Petty, Sale, Schmidt, Tobin, Weinberg, Wilborn, Williams.

The motion that the previous question be adopted on **HJR 52** was adopted.

On the roll call the vote was yeas 67-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Layman, Lindsay, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, R. Smith, Stone, Wells, Worthington, Wright, Yates. Nays 22-Bendl, Benson, Beshear, Blythe, Clarke, Craddock, Hines, Kenton, Kidd, Kleier, LeMaster, List, Mann, Petty, Sale, Siemens, Stewart, Tobin, Van Horn, Weinberg, Wilborn, Williams.

HJR 52 was passed and the title agreed to.

Representative Burnette moved that the vote by which **HJR 52** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 70 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Worthington moved that **HCR 70** be passed.

On the roll call the vote was yeas 83-Adams, W. Allen, Arnold, Bendl, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Mann, Marcum, May, McBee, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HCR 70 was passed and the title agreed to.

Representative Worthington moved that the vote by which **HCR 70** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 154 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be readby title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gay moved that **HB 154** be passed.

On the roll call the vote was yeas 81-Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Dietz, Foster, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, Williams, Worthington, Wright, Yates. Nays 3-DeFalaise, Donnermeyer, Tobin.

HB 154 was passed and the title agreed to.

Representative Gay moved that the vote by which **HB 154** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 8 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bennett moved that **HB 8** be passed.

On the roll call the vote was yeas 45-J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Clarke, Cyrus, Dawahare, Dietz, Donnermeyer, Dunn, Gray, Guy, Hines, Isler, Johnson, Kenton, Kidd, LeMaster, Lindsay, Mann, McBee, McKinney, Nett, Noe, Overstreet, Petty, Priddy, B. Richardson, Riner, Romines, Sale, Siemens, F. Smith, Stone, Van Horn, Weinberg, Williams, Yates. Nays 42-Adams, W. Allen, Arnold, Burnette, Carpenter, Craddock, Davenport, DeMarcus, Foster, Gay, Guenthner, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Jones, Layman, List, Marcum, May, Maynard, McNutt, Morris, O'Brien, Patrick, Pearman, Plummer, Richards, P. Richardson, Robinson, Schmidt, R. Smith, Stewart, Tobin, Trevey, Turner, White, Wilborn, Wright.

HB 8 was passed and the title agreed to.

Representative Bennett moved that the vote by which **HB 8** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 321 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stone moved that **HB 321** be passed.

On the roll call the vote was yeas 87-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, List, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 1-Craddock.

HB 321 was passed and the title agreed to.

Representative Stone moved that the vote by which **HB 321** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 384, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **HB 384.** Agreed.

Representative B. Richardson moved that **HB 384,** as amended, be passed.

On the roll call the vote was yeas 72-Adams, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Marcum, Maynard, McBee, McKinney, McNutt, Morris, Noe, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Turner, Weinberg, Wilborn, Worthington, Wright, Yates. Nays 11-W. Allen, Crupper, Fitzgerald, Head, Hurst, Layman, Nett, Pearman, Rattliff, Tobin, Van Horn.

HB 384, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 384** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 93 taken from Orders of the Day. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved that **HB 93** be passed.

On the roll call the vote was yeas 56-Adams, J. Allen, Arnold, Bendl, Bennett, Blythe, Boatwright, Boswell, Brinkley, Burch, Clapp, Craddock, Cyrus, Dawahare, Dietz, Donnermeyer, Foster, Gray, Guenthner, Haering, Hancock, Hines, Holloway, Hurst, Imes, Isler, Johnson, Kidd, Layman, LeMaster, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Noe, Pearman, Petty, Priddy, Richards, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, Stewart, Stone, Thomas, Tobin, Turner, Wilborn, Williams, Yates. Nays 31-W. Allen, Beshear, Blandford, Brown, Bruce, Carpenter, Clarke, Crupper, DeMarcus, Deskins, Dunn, Fitzgerald, Guy, Head, Holbrook, Jones, Kleier, Lindsay, List, McKinney, McNutt, O'Brien, Overstreet, Patrick, B. Richardson, Sale, F. Smith, Van Horn, Weinberg, White, Wright.

HB 93 was passed and the title agreed to.

Representative Burch moved that the vote by which **HB 93** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 420 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Williams moved that **HB 420** be passed.

On the roll call the vote was yeas 78-Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Mann, Marcum, May, Morris, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright. Nays 3-DeMarcus, Guenthner, McBee.

HB 420 was passed and the title agreed to.

Representative Williams moved that the vote by which **HB 420** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 463, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Nett moved the adoption of the Committee Amendment No. 1. Agreed.

Representative Nett moved that **HB 463,** as amended, be passed.

On the roll call the vote was yeas 65-J. Allen, Arnold, Bendl, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hines, Holbrook, Holloway, Imes, Isler, Kenton, Kleier, List, Little, Mann, Marcum, May, McBee, McKinney, Morris, Nett, O'Brien, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, Stewart, Thomas, Tobin, Turner, Van Horn, Wilborn, Worthington. Nays 14-Boatwright, Crupper, Deskins, Hancock, Head, Johnson, Layman, LeMaster, Lindsay, Overstreet, P. Richardson, Stone, Weinberg, Wright.

HB 463, as amended, was passed and the title agreed to.

Representative Nett moved that the vote by which **HB 463,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 501 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that **HB 501** be passed.

The roll call vote showed 79 yeas, 9 nays.

HB 501 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 501** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 532 with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Haering moved the adoption of the Committee Amendment No. 1 to **HB 532.** Agreed.

Representative Haering moved that **HB 532,** as amended, be passed.

Representative Imes moved that **HB 532** be laid on the table.

On the roll call the vote was yeas 54-Arnold, Benson, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette,Clapp, Clarke, Craddock, Crupper, Deskins, Dietz, Dunn, Fitzgeald, Foster, Gay, Gray, Guenthner, Guy, Hancock, Head, Holloway, Hurst, Imes, Isler, Kenton, Kidd, LeMaster, Lindsay, Little, Maynard, Nett, Noe, Patrick, Pearman, Petty, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Worthington. Nays 31-Adams, J. Allen, W. Allen, Bendl, Bennett, Beshear, Blythe, Burch, Davenport, Dawahare, DeFalaise, DeMarcus, Donnermeyer, Haering, Johnson, Kleier, Layman, List, McBee, Morris, O'Brien, Plummer, Priddy, Rattliff, Schmidt, Siemens, R. Smith, Thomas, Wells, Williams, Wright.

HB 532, as amended, was laid on the table.

Representative B. Richardson moved that **HB 535** be recommitted to the Committee on Agriculture and Natural Resources. Agreed.

HB 545 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Isler, Kenton, Kidd, Kleier, List, Little, Marcum, May, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, White, Williams, Worthington, Wright. Nays 10-W. Allen, Beshear, Clarke, Deskins, Fitzgerald, Johnson, Layman, Nett, Pearman, Wilborn.

HB 545 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 545** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 622, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved the adoption of the Committee Amendment No. 1 to **HB 622.** Agreed.

Representative Imes moved the adoption of the following Floor Amendment No. 1 to **HB 622:**

Amend printed copy of **HB 622,** page 3, after line 3 and before line 4 by inserting the following:

(4) *Compensation established under KRS 164.220, 164.225, 164.360 and 164.830 shall not exceed the amount provided for compensation to the governor under subsection (1) of this section.*

On the roll call the vote was yeas 21-Adams, Blythe, Clapp, DeFalaise, Donnermeyer, Gray, Guenthner, Hancock, Hurst, Imes, Isler, Kenton, Lindsay, Pearman, Priddy, Robinson, Stewart, Stone, Turner, Van Horn, Weinberg. Nays 56-W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Burnette, Carpenter, Clarke, Craddock, Cyrus, Davenport, DeMarcus, Deskins, Dietz, Dunn, Foster, Gay, Haering, Head, Hines, Holbrook, Johnson, Jones, Kleier, Layman, LeMaster, List, Mann, Marcum, May, McBee, McKinney, McNutt, Morris, Noe, Patrick, Petty, Plummer, Rattliff, Richards, Riner, Schmidt, Siemens, F. Smith,Thomas, Tobin, Trevey, Wilborn, Williams, Worthington, Wright, Yates.

The motion that Floor Amendment No. 1 to **HB 622** be adopted was rejected.

Representative Fitzgerald moved the adoption of the following Floor Amendment No. 2 to **HB 622:**

Amend printed copy of **HB 622,** page 4, by inserting after line 25 the following:

"Section 6. KRS 6.211 is amended to read as follows:

Effective January 1, *1978* [1976], in addition to any and all sums, compensation, or expenses now paid the members of the general assembly and the president of the senate, each shall receive an expense allowance of *seventy-five* [fifty] dollars *($75.00)* [($50.00)] for each calendar day. This sum shall be paid whether the general assembly is in regular or extraordinary session and shall be in full recompense of any additional expenses incurred in excess of that now received by them.

Section 7. Whereas, increases in the cost of living have resulted in an immediate increase in the amount of the daily expense allowance for members of the General Assembly, an emergency is declared to exist and Section 6 of this Act shall become effective upon its passage and approval by the Governor, and shall be retroactive to include any and all days during the 1978 regular session of the General Assembly which may have elapsed as of the date of passage and approval of this Act; provided however that Sections 1 through 5 of this Act shall become effective on the normal date for legislation enacted by the 1978 regular session of the General Assembly."

On the roll call the vote was yeas 33-Adams, J. Allen, Bennett, Benson, Blandford, Blythe, Brown, Clapp, Cyrus, Davenport, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Guenthner, Guy, Isler, Kidd, Mann, Maynard, McBee, Noe, Patrick, Petty, Schmidt, F. Smith, R. Smith, Stewart, Tobin, Turner, Williams, Worthington. Nays 40-W. Allen, Arnold, Beshear, Boatwright, Brinkley, Burnette, Carpenter, Clarke, Deskins, Foster, Gray, Haering, Hancock, Head, Holbrook, Hurst, Imes, Johnson, Jones, Kenton, Kleier, Lindsay, May, Morris, Nett, O'Brien, Pearman, Plummer, Rattliff, Richards, B. Richardson, Riner, Sale, Stone, Trevey, Van Horn, Weinberg, Wilborn, Wright, Yates.

The motion that Floor Amendment No. 2 to **HB 622** be adopted was rejected.

Representative Clapp moved that **HB 622,** as amended, be passed.

On the roll call the vote was yeas 49-Adams, Arnold, Bendl, Bennett, Benson, Blythe, Boatwright, Brinkley, Brown, Clapp, Clarke, Craddock, Cyrus, Davenport, DeFalaise, Demarcus, Dietz, Donnermeyer, Dunn, Foster, Guy, Hines, Hurst, Imes, Johnson, Jones, Kenton, Marcum, May, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Schmidt, Siemens, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, Wilborn, Williams, Worthington, Yates. Nays 37-J. Allen, W. Allen, Beshear, Blandford, Bruce, Burnette, Crupper, Deskins, Fitzgerald, Gray, Guenthner, Haering, Hancock, Head, Holbrook, Holloway, Isler, Kleier, Layman, LeMaster, Lindsay, List, Mann, Maynard, McBee, McKinney, Morris, Nett, Patrick, Pearman, Plummer, Rattliff, Riner, F. Smith, Thomas, Trevey, Wright.

HB 622, as amended, was passed and the title agreed to.

Representative Clapp moved that the vote by which **HB 622,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair.

Representative Clapp presiding.

HB 559 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **HB 559** be passed.

On the roll call the vote was yeas 85-Adams, J. Allen, W. Allen, ARnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 559 was passed and the title agreed to.

Representative Kleier moved that the vote by which **HB 559** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 638 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 638** be passed.

On the roll call the vote was yeas 80-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 638 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which **HB 638** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 683, with Committee amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Williams moved the adoption of the Committee Amendment No. 1 to **HB 683.** Agreed.

Representative Williams moved the adoption of the Committee Amendment No. 2 to **HB 683.**

On the roll call the vote was yeas 43-Adams, Bendl, Bennett, Beshear, Blandford, Clarke, Craddock, Cyrus, Davenport, Dawahare, Deskins, Dunn, Fitzgerald, Gray, Guy, Haering, Head, Hines, Holbrook, Hurst, Isler, Kidd, Kleier, Layman, LeMaster, Lindsay, Mann, Maynard, Morris, Noe, Patrick, Richards, Sale, Schmidt, Siemens, F. Smith, Stone, Tobin, Van Horn, Weinberg, Wilborn, Williams, Worthington. Nays 3-Nett, Riner, Stewart.

The Committee Amendment No. 2 to **HB 683** was adopted.

Representative Williams moved that **HB 683,** as amended be passed.

Representative Williams moved that **HB 683,** as amended, be laid on the Clerk's desk. Agreed.

HB 684 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dunn moved that **HB 684** be passed.

On the roll call the vote was yeas 73-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brown, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Kidd, Kleier, Layman, Lindsay, List, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Pearman, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 684 was passed and the title agreed to.

Representative Dunn moved that the vote by which **HB 684** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 693 taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dietz moved that **HB 693** be passed.

On the roll call the vote was yeas 81-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Kidd, Kleier, Layman, Lindsay, List, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Wright, Yates. Nays 0.

HB 693 was passed and the title agreed to.

Representative Dietz moved that the vote by which **HB 693** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 714 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 76-J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Bruce,Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, Patrick, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Wright, Yates. Nays 3-Kleier, Pearman, Turner.

HB 714 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 714** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 752 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved that **HB 752** be passed.

On the roll call the vote was yeas 78-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Head, Hines, Imes, Isler, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Mann, Marcum, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Tobin, Trevey, Turner, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 14-Boatwright, Brinkley, Cyrus, Deskins, Gray, Guenthner, Holbrook, Holloway, Hurst, Lindsay, Little, Riner, Stone, Van Horn.

HB 752 was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 752** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 683,** as amended, be taken from the Clerk's desk and placed in Orders of the Day.

On the roll call the vote was yeas 40-Bendl, Benson, Beshear, Blandford, Boswell, Craddock, Dawahare, DeFalaise, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Hines, Isler, Kidd, Kleier, Layman, LeMaster, Mann, McBee, McKinney, Noe, Patrick, Petty, Richards, B. Richardson, Riner, Sale, Siemens, F. Smith, Thomas, Tobin, Weinberg, White, Wilborn, Williams. Nays 6-W. Allen, Burnette, Guenthner, Trevey, Turner, Van Horn.

The motion that **HB 683** be taken from the Clerk's desk and placed in Orders of the Day was adopted.

HB 683, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 683,** as amended, be placed on the Clerk's desk.

On the roll call the vote was yeas 22-J. Allen, W. Allen, Bennett, Burnette, Cyrus, Deskins, Dietz, Donnermeyer, Guenthner, Holbrook, Holloway, Hurst, Mann, May, McKinney, Plummer, Priddy, Robinson, Romines, F. Smith, Turner, Van Horn. Nays 35-Adams, Bendl, Benson, Blythe, Boswell, Clarke, Craddock, Davenport, DeFalaise, Fitzgerald, Guy, Hancock, Hines, Imes, Kenton, Kleier, Layman, LeMaster, List, Marcum, McNutt, Morris, Noe, Patrick, Petty, B. Richardson, P. Richardson, Sale, Siemens, Thomas, Tobin, Trevey, Weinberg, Wilborn, Williams.

The motion that **HB 683,** as amended, be placed on the clerk's desk was rejected.

Representative Williams moved that **HB 683,** as amended, be passed.

On the roll call the vote was yeas 33-Bendl, Benson, Beshear, Blythe, Clarke, Craddock, Crupper, Dawahare, Fitzgerald, Guy, Hancock, Hines, Kenton, Kidd, Kleier, LeMaster, Mann, Marcum, McNutt, Morris, Noe, Patrick, Petty, Richards, B. Richardson, Sale, Schmidt, Siemens, Thomas, Tobin, Weinberg, Wilborn, Williams. Nays 35-J. Allen, W. Allen, Bennett, Boatwright, Burnette, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Gray, Guenthner, Haering, Holbrook, Holloway, Hurst, Imes, Isler, List, May, McBee, Pearman, Plummer, Priddy, Riner, Robinson, Romines, F. Smith, Stewart, Trevey, Turner, Van Horn, Worthington, Wright.

HB 683, as amended, was defeated.

The Clerk announced the filing of a Petition to remove **HB 331** from Consent Orders of the Day.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

Announcements

Representative B. Richardson moved the rules be suspended to waive the three day posting requirement in regard to **HCR 144, HCR 118** and **HCR 116.**

Representative B. Richardson moved that the rules be suspended for Introduction of Bills and Resolutions and Report of Committees. Agreed.

Introduction of Bills and Resolutions

HB 776, by Representative Donnermeyer: AN ACT relating to the mentally ill and mentally retarded.

HCR 116, by Representative F. Smith: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the feasibility of establishing a hunter safety certification program.

HCR 117, by Representative Mann: A CONCURRENT RESOLUTION directing the Legislative Research Commission to review and evaluate the need for licensing various occupations and professions in Kentucky.

HCR 118, by Representatives F. Smith and Noe: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the feasibility of eliminating the fuel adjustment clause.

HR 119, by Representative Beshear: A RESOLUTION recognizing May 3, 1978, as Sun Day.

HR 120, by Representative Trevey: A RESOLUTION declaring support for the President's actions regarding the coal strike.

HR 121, by Representatives Benson, LeMaster and Richards: A RESOLUTION commending the University of Kentucky, University of Louisville, and Western Kentucky University basket teams for reaching the NCAA basketball tournament.

HCR 122, by Representative DeFalaise: A CONCURRENT RESOLUTION requesting and petitioning the Congress of the United States to extend to the members of each state legislature of the several states the same income tax deductions that are enjoyed by the members of the Congress of the United States.

HCR 123, by Representative Boatwright: A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a study of all real property investments in the state by foreign interests.

Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions.

Judiciary-Statutes: **HCR 114.**

State Government: **HB 775.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

State Government: **HB 685, HB 169, SCR 35, SJR 37, SCR 38, SCR 41, SB 187.**

Judiciary-Statutes: **SB 328, HB 756, HB 518, HB 771.**

Education: **SB 291, SB 292, SB 308, SB 13, SB 16, SB 28, SB 22, HCR 67.**

Banking and Insurance: **HB 365.**

The Clerk announced the following Bills have been withdrawn from Committee consideration:

State Government: **SB 222.**

Agriculture and Natural Resources: **HB 310.**

Representative Imes moved that he be recorded as voting "nay" on Floor Amendment No. 2 on **HB 622** and "yea" on passage of **HB 622** due to machine malfunction. Agreed.

Report of Committees

The Committee on Appropriations and Revenue reported **HB 229,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered placed in Orders of the Day. (See motion in regard to this earlier in the day.)

The Committee Substitute to **HB 229** is as follows:

HB 229, AN ACT relating to appropriations for the operation, maintenance, support and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I
GENERAL FUND

There is appropriated out of the General Fund for the fiscal year ending June 30, 1978, and, including any unappropriated surplus to the General Fund as of June 30, 1978, for the fiscal year beginning July 1, 1978, and ending June 30, 1979, and, including any unappropriated surplus to the General Fund as of June 30, 1979, for the fiscal year beginning July 1, 1979, and ending June 30, 1980, the following sums for the following officers, cabinets, departments, boards, commissions, institutions, subdivisions, and agencies of the State Government, and any and all other activities of the government of the Commonwealth of Kentucky subject to the provisions of Chapters 21, 42 and 45 of the Kentucky Revised Statutes, for which a specific appropriation is in Part I listed as follows:

A. GENERAL GOVERNMENT

1. GOVERNOR

1978-79	$ 789,800
1979-80	$ 821,300

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2. LIEUTENANT GOVERNOR

1978-79	$ 379,100
1979-80	$ 407,100

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3. SECRETARY OF STATE

a. General Operations

1978-79	$ 645,800
1979-80	$ 685,500

b. Restoration of Land Grant Books

1978-79	$ 47,000
1979-80	$ 47,000

TOTAL - SECRETARY OF STATE

1978-79	$ 692,800
1979-80	$ 732,500

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4. BOARD OF ELECTIONS

1978-79	$ 1,137,700
1979-80	$ 1,166,200

Included in the above appropriation is $705,000 each fiscal year to pay the state's share of county election expenses (KRS 117.345) and the state's share of voter registration expenses (KRS 116.105). Any unexpended balance remaining at the close of each fiscal year shall lapse to the credit of the General Fund. Any expenses in excess of the above amounts shall be deemed a necessary governmental expense.

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5. TREASURER

1978-79	$ 853,200
1979-80	$ 882,000

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6. DEPARTMENT OF LAW

1978-79	$ 2,541,200
1979-80	$ 2,755,200

Included in the above appropriation is $57,500 for fiscal year 1978-79 and $57,500 for fiscal year 1979-80 for the employment of three additional support staff for the Prosecutors Advisory Council.

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7. AUDITOR OF PUBLIC ACCOUNTS

a. Investigations

1978-79	$ 88,000
1979-80	$ 121,000

Funds are appropriated for work other than routine financial audits.

b. County Audits

1978-79	$ 351,900
1979-80	$ 330,300

Funds are appropriated for audit of the receipt and expenditure of state and local funds by counties.

c. State Audits

1978-79	$ 903,600
1979-80	$ 1,299,900

Funds are appropriated for audit of the receipt and expenditures of funds by state agencies. Agencies and Funds to be audited during the 1978-80 biennium shall include the following:

1978-79

1) Executive Department for Finance and Administration
   Review of the administrative and accounting controls of the state government to provide a basis for reliance thereon in auditing other state agencies. This will include a review of the policies and procedures of various state systems including purchasing, pre-audit, budgeting, accounting, computer operations, and internal audit. These tests will include some transactions in every agency of the government.
2) Capital Construction Fund
3) Salary Improvements for State Employees
4) Coal Miners' Pneumoconiosis Fund
5) Area Development Fund
6) Coal Severance Economic Aid Fund
7) Governor's General Contingency Fund
8) Commonwealth Credit Union
9) Data Processing
10) Federal Revenue Sharing Trust Fund
11) Trust and Revolving Fund Investment Pool
12) Agency-Federal Investment Pools Income
13) Coal Producing County Development Fund
14) Coal Severance Tax - Various Counties
15) Operating Fund Investment Pool Interest Income
16) Central Stores Operation
17) Duplicating - Printing Services
18) Rental Clearing Accounts - Various Buildings
19) Operating Funds for:
    Division of Air Transport
    Bureau of Computer Services
    Office for Policy and Management
    Bureau of Administrative Services
    Bureau of Facilities Management
20) Minimum Foundation Program and related programs
21) Natural Resources and Environmental Protection Cabinet
22) State Treasurer
23) Department of Personnel
24) Bureau of State Police
25) Kentucky Center for Energy Research
26) Murray State University
27) Kentucky State University
28) Kentucky Authority for Educational Television
29) Department of Fish and Wildlife
30) Department of Agriculture
31) Department of Parks
32) Department of Alcoholic Beverage Control
33) Heritage Commission

1979-80

1) General Government (Includes Finance)
2) Development Cabinet
3) Education and the Arts Cabinet
4) Higher Education
5) Department for Human Resources
6) Justice Cabinet
7) Natural Resources and Environmental Protection Cabinet
8) Public Protection and Regulation Cabinet
9) Department of Transportation
10) Teachers' Retirement System
11) Capital Construction
12) Judiciary

The Auditor of Public Accounts shall bill the respective state agencies for costs incurred in the audit of funds. The affected agencies shall pay the bills as submitted.

The Auditor of Public Accounts shall forward a copy of all billings of state agencies to the Executive Department for Finance and Administration. The Executive Department for Finance and Administration shall interaccount the respective state agencies for the amounts of the billings. The payment required in the paragraph above shall be deemed to have been made upon interaccount.

Proceeds from the billing of state agencies for audit of funds shall be credited to the General Fund.

Auditor of Public Accounts administrative and support costs shall be charged to the appropriate appropriations, and shall be included, where possible, in the billings to the auditees.

The Auditor of Public Accounts shall report in writing each sixty (60) days to the Interim Joint Committee on Appropriations and Revenue the progress of all state audits, together with copies of all completed audits. Such reports shall commence September 5, 1978.

No state agency shall enter into any contract with a non-governmental entity for an audit unless the Auditor of Public Accounts has declined in writing to perform the audit or has failed to respond within thirty (30) days of receipt of a written request. The agency requesting the audit shall furnish the Auditor of Public Accounts a comprehensive statement of the scope and nature of the proposed audit.

Any expenses incurred in the auditing of federal disaster relief funds shall be deemed a necessary governmental expense.

TOTAL— AUDITOR OF PUBLIC ACCOUNTS

1978-79	$ 1,343,500
1979-80	$ 1,751,200

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8. SECRETARY OF THE CABINET

1978-79	$ 520,300
1979-80	$ 545,200

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9. GENERAL CONTINGENCY FUND

1978-79	$ 2,250,000
1979-80	$ 2,250,000

Funds are appropriated for meeting expenses deemed necessary by the Governor, and to be expended by the Governor, at his discretion, for any emergency or other contingency that he may determine requires the expenditure of any part of said fund. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

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10. CAPITAL PLAZA

1978-79	$ 2,252,600
1979-80	$ 2,239,300

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11. COUNTY COSTS

1977-78	$ 1,472,000
1978-79	$ 12,677,000
1979-80	$ 12,697,000

All county costs funded by the General Fund are deemed to be necessary governmental expenses and additional funds may be allotted from the General Fund surplus by the Secretary of the Executive Department for Finance and Administration.

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12. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

a. State Planning Fund

1978-79	$ 2,100,000
1979-80	$ 2,100,000

Any portion of the above appropriation for the State Planning Fund may be transferred to other major program areas or agencies of state government for the purpose of funding planning studies approved by the State Planning Committee. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

b. General Operations

1977-78	$ 1,356,900
1978-79	$ 13,546,800
1979-80	$ 13,717,800

Included in the above appropriation is $150,000 each fiscal year for payment to the city of Frankfort for the provision of fire and police protection and other services for state owned property in accordance with KRS 45.155.

c. Salary Improvements for State Employees

1978-79	$ 16,800,000
1979-80	$ 18,800,000

Any portion of the above appropriation may be transferred to any major program area or agency of state government for the purpose of meeting salary and benefit improvements for state employees as determined to be needed by the Executive Department for Finance and Administration based upon the recommendation of the Department of Personnel.

Any unexpended balance in the account for salary improvements for state employees at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

d. Maxey Flats Operation

1977-78	$ 350,000
1978-79	$ 700,000
1979-80	$ 700,000

Funds are appropriated for the operations of the Maxey Flats nuclear waste facility. Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year and any unexpended blance at the close of the 1978-79 fiscal year shall not lapse but shall continue into the 1979-80 fiscal year.

e. Coal Miners' Pneumoconiosis Fund

1978-79	$ 4,000,000
1979-80	$ 4,000,000

These funds are appropriated to the Coal Miners' Pneumoconiosis Fund. This fund shall be used for compensating coal worker claimants entitled to benefits for coal workers' pneumoconiosis or silicosis as defined in KRS Chapter 342. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

f. Coal Severance Economic Aid Fund

1978-79	$ 5,000,000
1979-80	$ 5,000,000

Funds are appropriated for the purpose of making grants to the coal severance economic aid boards in accordance with KRS 42.330. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

g. Area Development Fund

1978-79	$ 6,000,000
1979-80	$ 6,000,000

Funds are appropriated for the purpose of making grants to the area development districts in accordance with Acts 1976, chapter 339, section 2. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

TOTAL - EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

1977-78	$ 1,706,900
1978-79	$ 48,146,800
1979-80	$ 50,317,800

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13. GENERAL OBLIGATION BONDS

1978-79	$ 10,407,000
1979-80	$ 10,423,000

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14. COMMISSION ON HUMAN RIGHTS

1978-79	$ 769,700
1979-80	$ 801,100

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15. DEPARTMENT FOR LOCAL GOVERNMENT

1978-79	$ 2,988,600
1979-80	$ 3,011,500

16. DEPARTMENT OF MILITARY AFFAIRS

1977-78	$ 4,700,000
1978-79	$ 2,289,900
1979-80	$ 2,442,400

Included in the above appropriation is $4,500,000 in fiscal year 1977-78 for payment of the state's share of the cost of the Individual and Family Grant program to the federal government. This program provided benefits to those involved in the April, 1977 flood in fifteen (15) Eastern Kentucky counties.

Any expenditures of funds as a result of the Governor's call of the Kentucky National Guard to active duty is hereby declared to be a necessary governmental expense provided, however, that an emergency situation shall have been declared to exist by the Governor.

17. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Kentucky Athletic Commission

1978-79	$ 43,700
1979-80	$ 45,700

b. Board of Proprietary Education

1978-79	$ 25,000
1979-80	$ 25,000

TOTAL—OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

1978-79	$ 68,700
1979-80	$ 70,700

18. DEPARTMENT OF PERSONNEL

1978-79	$ 2,864,300
1979-80	$ 3,067,100

Included in the above appropriation is $500,000 in fiscal year 1978-79 and $600,000 in fiscal year 1979-80 for an Automobile Liability Reimbursement program to be administered by the Department of Personnel.

Notwithstanding the provisions of KRS 18.330, the above appropriations are to be used for the pro-rata cost of administering a merit system of personnel administration for the civil service of the Commonwealth for all departments, commissions, boards, or other agencies which receive support from the General Fund or Revolving Trust and Agency Funds. Said appropriations may also be used for special training programs approved by the Secretary of the Executive Department for Finance and Administration.

Relative to merit hearings before the Personnel Board, the particular agency of which the complainant is or was an employee shall bear all of the administrative costs thereof whenever the Personnel Board rules in favor of the complainant, such as for example, but not limited to, the fees of court reporters, the printing or other reproduction expenses related to hearing transcripts, and other related matters. Relative to all appeals resulting from merit hearings of the Personnel Board, including appeals to the Circuit Court, Court of Appeals, or the Supreme Court, the particular agency of which the complainant in said hearing is or was an employee shall bear all of the costs thereof whenever the courts rule in favor of the complainant, chargeable to the Personnel Board, such as for example, but not limited to, legal fees and court costs and fees.

19. DEPARTMENT OF PUBLIC INFORMATION

1977-78	$ 200,000
1978-79	$ 4,182,000
1979-80	$ 4,255,000

Included in the above appropriation is $359,700 in fiscal year 1978-79 and $359,700 in fiscal year 1979-80 for the Cooperative Advertising program to encourage and assist local governments and agencies in the promotion of tourist attractions. The department may make matching grants not to exceed fifty percent (50%) of project cost to local governments and agencies for such purpose.

20. DEPARTMENT OF REVENUE

1978-79	$ 22,236,600
1979-80	$ 23,305,900

Included in the above appropriation is $6,418,400 in fiscal year 1978-79 and $6,893,900 in fiscal year 1979-80 for property valuation administrators; any expenses in excess of these amounts for property valuation administrators shall be deemed necessary governmental expenses.

21. FINANCIAL DISCLOSURE REVIEW COMMISSION

1978-79	$ 50,000
1979-80	$ 50,000

22. KENTUCKY PUBLIC EMPLOYEE DEFERRED COMPENSATION SYSTEM

1978-79	$ 86,400
1979-80	$ 90,900

23. COMMISSION ON WOMEN

1978-79	$ 82,700
1979-80	$ 85,500

24. PROSECUTORS ADVISORY COUNCIL

1977-78	$ 997,500
1978-79	$10,244,100
1979-80	$10,652,000

All expenditures concerning Commonwealth Attorneys and County Attorneys will be administered by the Executive Department for Finance and Administration while policy determination and decisions relating to discretionary funds will be made by the Prosecutors Advisory Council.

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse but shall continue into the 1978-79 fiscal year. Likewise, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse but shall continue into the 1979-80 fiscal year.

25. KENTUCKY HORSE COUNCIL

1978-79	$ 78,300
1979-80	$ 87,700

26. BOARD OF CLAIMS/CRIME VICTIMS COMPENSATION BOARD

1978-79	$ 586,000
1979-80	$ 586,000

Any unexpended balance, not to exceed $150,000, at the close of fiscal year 1977-78 shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance, not to exceed $150,000, at the close of fiscal year 1978-79 shall not lapse, but shall continue into the 1979-80 fiscal year.

27. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1978-79	$ 1,425,500
1979-80	$ 1,425,500

All items included within the Appropriations Not Otherwise Classified category shall be deemed necessary governmental expenses, and any expenditure over the above amounts is to be paid from the General Fund surplus. Appropriations Not Otherwise Classified includes the following items:

a. Back Tax Collections

b. Board of Claims Awards

Funds are appropriated for the repayment of awards or judgments made by the Board of Claims against departments, boards, commissions, and other agencies maintained by appropriations out of the General Fund. However, awards under $500 in cases where the operating agency admits negligence shall be paid from funds available for the operations of such agencies.

c. Judgments

For payment of such judgments as may be rendered against the Commonwealth by courts and orders of the State Personnel Board; such payments, where applicable, shall be subject to the provisions of KRS Chapter 45. Also, to pay medical malpractice judgments against the University of Kentucky and the University of Louisville in accordance with KRS 164.941 and 164.892. However, in no event shall the total payments exceed the sum of $5,500,000 in any fiscal year.

d. Prior Year Claims

e. Unredeemed Checks Refunded

Checks written by the State Treasurer and not cashed within the statutory period may be presented to the State Treasurer for reissuance in accordance with the provisions of KRS 41.370.

f. Confederate Pensions

g. Blanket Employees Bonds

For payment of premiums on blanket surety bonds as provided by KRS 62.170.

h. Franklin Circuit Court

For purposes of supplies and equipment in accordance with KRS 28.165.

i. Frankfort Planning Commission

j. Frankfort Cemetery

k. Public Improvements

Funds are appropriated for paying assessments for public improvements against property owned by the State, and for which said assessments the State is deemed to be liable.

l. Money Refunded

For refunding money paid into the State Treasury, which may later be determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of the head of the department or agency to whom the money was originally paid and with the approval of the Secretary of the Executive Department for Finance and Administration and the Attorney General.

m. Police and Firemen - Life Insurance

Funds are appropriated for payment of benefits for state and local police and firemen in accordance with KRS 61.315.

n. Workmen's Compensation—Fee officers in counties over 75,000 in population
o. Master Commissioners—Employer Retirement
p. Master Commissioners—Social Security
q. Political Parties—Income Tax Checkoff

Funds are appropriated to pay all amounts designated by taxpayers on their income tax returns for remittance to the political party of their choice in accordance with KRS 141.072.

TOTAL - GENERAL GOVERNMENT

1977-78	$ 9,076,400
1978-79	$131,943,800
1979-80	$136,919,100

B. DEVELOPMENT

28.OFFICE OF THE SECRETARY

1977-78	$ 4,000,000
1978-79	$ 4,054,300
1979-80	$ 1,119,700

Included in the above appropriation is $4,000,000 in fiscal year 1977-78 and $3,000,000 in fiscal year 1978-79 for the Local Convention and Community Centers Fund. Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year. Included in the above appropriation is $101,800 for fiscal year 1978-79 and $107,000 in fiscal year 1979-80 for the Office of Developmental Planning.

29.DEPARTMENT OF PARKS

1977-78	$ 160,000
1978-79	$ 15,343,300
1979-80	$ 15,787,800

Included in the above appropriation is $100,000 in fiscal year 1978-79 and $100,000 in fiscal year 1979-80 for the implementation of the "Kentucky Trails System Act" as required by KRS 148.610 through 148.790.

30.DEPARTMENT OF AGRICULTURE

1978-79	$ 5,089,300
1979-80	$ 5,267,700

31.BREAKS INTERSTATE PARK COMMISSION

1978-79	$ 112,500
1979-80	$ 112,500

For matching funds appropriated by the Commonwealth of Virginia relating to construction, maintenance, and operations at the Breaks Interstate Park. In accordance with the Breaks Interstate Compact this appropriation is contingent upon an appropriation by the Commonwealth of Virginia adequate to match this amount on an equal basis; provided, however, that appropriations to date shall be considered cumulatively, and any deficit in appropriations by this state may be removed.

32. COUNCIL OF ECONOMIC ADVISORS

1978-79	$ 141,500
1979-80	$ 141,500

33. DEPARTMENT OF COMMERCE

1977-78	$ 34,400
1978-79	$ 3,643,500
1979-80	$ 4,037,700

34. STATE FAIR BOARD

1977-78	$ 140,500
1978-79	$ 3,434,200
1979-80	$ 4,561,800

35. COUNCIL ON AGRICULTURE

1978-79	$ 426,400
1979-80	$ 439,900

36. KENTUCKY INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY

1978-79	$ 4,050,000
1979-80	$ 1,550,000

Included in the above appropriation is $2,500,000 in fiscal year 1978-79 for the Multi-County Industrial Site Development program. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into 1979-80 fiscal year.

Included in the above appropriation is $750,000 in each fiscal year for an Agriculture Loan program. Also included in the above appropriation is $500,000 in each fiscal year for a Tourism Loan program.

TOTAL - DEVELOPMENT CABINET

1977-78	$ 4,334,900
1978-79	$ 36,295,000

C. EDUCATION

37. OFFICE OF THE SECRETARY

1978-79	$ 315,000
1979-80	$ 304,500

38. ARTS COMMISSION

a. General Operations

1978-79	$ 351,400
1979-80	$ 353,000

b. Challenge Grants

1978-79	$ 408,000
1979-80	$ 489,600

To be distributed to local arts fund raising organizations in accordance with applicable regulations promulgated by the Kentucky Arts Commission.

TOTAL - ARTS COMMISSION

1978-79	$ 759,400
1979-80	$ 842,600

39. DEPARTMENT OF EDUCATION

a. General Administration and Support Services

1977-78	$ 338,000
1978-79	$ 4,056,900
1979-80	$ 4,150,500

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year.

b. Education for Exceptional Children

1) General Operations

1978-79	$ 1,385,000
1979-80	$ 1,522,200

2) Residential Services

1977-78	$ 100,000
1978-79	$ 3,974,500
1979-80	$ 4,627,800

Total— Education for Exceptional Children

1977-78	$ 100,000
1978-79	$ 5,359,500
1979-80	$ 6,150,000

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c. School Foundation Program

1978-79	$602,039,300
1979-80	$666,440,900

Accumulated earnings for the Common School Fund shall each fiscal year be transferred to the School Foundation Program.

The amount to be included for the 1978-79 school year in the Foundation Program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following schedule, for a term of 185 days for each rank:

Rank Experience	I	II	III	IV	V
0-3 years	$12,770	$11,000	$ 9,330	$7,510	$6,630
4-9 years	14,100	12,330	10,760	7,510	6,630
10 years & over	15,290	13,520	12,230	7,510	6,630

Beginning with the school year 1979-80, the amount to be included in the Foundation Program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule, for a term of 185 days, for each rank:

Rank Experience	I	II	III	IV	V
0-3 years	$13,480	$11,630	$ 9,780	$7,850	$6,920
4-9 years	15,320	13,480	11,630	7,850	6,920
10 years & over	16,990	15,140	13,290	7,850	6,920

No working budget or salary schedule shall be approved in which the average salary paid any rank of teachers is not at least equivalent to the allotment for that rank, or in which any teacher is paid less than ninety-three percent (93%) of the School Foundation Program allotment for that rank, except where there is a decline in local revenue of the district concerned after it has levied the maximum ad valorem property tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

In the event any local board of education contends there has been a decline in local tax resources in that district, the State Board for Elementary and Secondary Education shall certify such contention to the Department of Revenue. Said department shall then determine whether or not there has, in fact, been a decline in local tax resources of such district, and, if so, the amount of such decline. The Department of Revenue shall then certify its determination to the State Board for Elementary and Secondary Education, and said Board shall accept such certified determination as final.

The State Board for Elementary and Secondary Education shall not approve any working budgets or salary schedule summaries for local boards of education for the school years 1978-79 and 1979-80 in which the total amount for 185 days on the salary schedule summary for School Foundation Program teachers' instructional salaries is not equal to the amount for 185 days on the salary schedule summary for School Foundation Program teachers' instructional salaries in the preceding year, plus the additional amount for teachers' salaries received by the district under this appropriation for a 185 day school term by assuming the same classroom units and rank and experience of teachers in the current year as in the preceding year in each local school district.

The allotment to any school district of classroom units, pursuant to KRS 157.360(1) shall not exceed the number of teachers employed by that school district.

Entitlement for basic classroom units obtained in schools of one classification shall not be allocated to schools of another classification. For the purposes of determining such entitlement, classification shall be as follows:

(1) One-teacher schools;

(2) Schools, other than one-teacher schools, with less than one hundred pupils in average daily attendance; and

(3) Schools, other than one-teacher schools, with more than one hundred pupils in average daily attendance.

In the determination of allotments pursuant to KRS 157.360(2), there shall not be allotted a full classroom unit for any non-isolated one-teacher school with fewer than 27 pupils in average daily attendance or for any isolated one-teacher school which has fewer than 12 pupils in average daily attendance.

Notwithstanding the provisions of KRS 157.360(5), (6), and (10) the allotments, provision for which is made under this Act, for classroom units shall be as follows:

	1977-78	1978-79	1979-80
Vocational Education	2,732	2,782	2,857
Exceptional Children	3,810	3,710	4,110
Kindergarten	600	800	1,240

Provided, however, that if the budgeted units in any category of classroom units — Vocational Education, Exceptional Children, Kindergarten, and classroom units for elementary and secondary schools — prove to be excessive, the surplus not to exceed (100) such classroom units may be reallocated to any other category or categories by the Superintendent of Public Instruction, upon the approval of the State Board for Elementary and Secondary Education, the Secretary of the Executive Department for Finance and Administration, and the Governor.

In the event the total number of Vocational Contract units for pupils attending state vocational-technical schools or state-operated vocational education centers falls short of the projected 650 units in the 1978-79 school year or 625 units in the 1979-80 school year, the Superintendent of Public Instruction is hereby authorized, with written approval of the Secretary of the Executive Department for Finance and Administration, to transfer funds from the School Foundation Program appropriation to the Bureau of Vocational Education for the purpose of supporting vocational education programs for the Kentucky public school system. In no event, however, shall the funds authorized to be transferred under this authority exceed the unit value difference between the actual contract units and 650 in the 1978-79 school year and the unit value difference between the actual contract units and 625 in the 1979-80 school year, provided that nothing herein shall jeopardize the School Foundation Program funding of the public common schools.

Allotments for classroom units pursuant to KRS 157.360(7) shall only be for those personnel enumerated under said section who are qualified for their respective positions under applicable provisions of law and regulations and who maintain programs which have been approved pursuant to applicable regulations.

The value for other current expenses in the 1977-78 school year through the School Foundation Program shall increase from $2,364 to $2,419 for purposes of allotting a one-time grant to local school districts to defray energy related expenses. The amount to be included in the Foundation Program for other current expenses in the 1978-80 biennium shall be determined by multiplying the number of classroom units by: $2,650 in the 1978-79 school year and $2,950 in the 1979-80 school year.

The amount to be included in the Foundation Program for capital outlay shall be determined by multiplying the number of classroom units by: $1,800 in the 1978-79 school year and $1,800 in the 1979-80 school year.

In accordance with the intent of KRS 162.060 and 162.160, no space shall be rented, purchased, or otherwise acquired and thereafter converted to classroom use without prior approval of the Superintendent of Public Instruction. The State Board for Elementary and Secondary Education may adopt regulations for the housing of school children. No facilities shall be approved for classroom use which are detrimental to the health of or dangerous to the safety of school children.

If a school district operates any school or grade of a school for a term of less than 185 days or for a school day of less than the minimum required by KRS 158.060, the average daily attendance of such school shall be reduced proportionately by the Superintendent of Public Instruction in determining the allotment of classroom units pursuant to KRS 157.400 and applicable regulations.

Notwithstanding the provisions of KRS 157.400, any undistributed balance in the Foundation Program fund at the end of the fiscal year 1978-79 and 1979-80 shall lapse to the General Fund except where provisions to the contrary are provided in this Act. No unexpended portions of the School Foundation Program fund shall be expended at any time for the purpose of KRS 156.610 through 156.650 except as identified in this Act.

The total appropriation for the School Foundation Program shall be measured by, or construed as, estimates of the state expenditures required by KRS 157.310 et. seq. If the required expenditures exceed these estimates, the Secretary of the Executive Department for Finance and Administration, with approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the hereinabove cited sections of the Kentucky Revised Statutes; provided, however, that any such increase, of the total appropriation to the Foundation Program is subject to Part V, General Provisions, Section 8, of this Act, and the provisions of KRS 45.160.

d. Power Equalization

1978-79	$ 21,000,000
1979-80	$ 31,500,000

Funds are appropriated for the purpose of equalizing expenditures among students in local school districts in accordance with KRS 157.545— 157.575.

e. Gifted Students

1978-79	$ 565,700
1979-80	$ 1,118,600

Funds are appropriated for the purpose of supporting a program for gifted or talented school-aged children in Kentucky's public schools in accordance with applicable regulations promulgated by the State Board for Elementary and Secondary Education.

f. Remedial Education

1979-80	$ 1,750,000

These funds are appropriated for the purpose of supporting a remedial education program in conjunction with the Department of Education's statewide diagnostic testing program. Applicable regulations shall be promulgated by the State Board for Elementary and Secondary Education.

g. Juvenile Delinquency Prevention

1978-79	$ 150,000
1979-80	$ 200,000

Funds are appropriated for the purpose of deterring juvenile delinquency by supporting special educational services for delinquent school-aged youth in Kentucky's public schools. Applicable regulations shall be promulgated by the State Board for Elementary and Secondary Education.

h. Instruction

1978-79	$ 9,554,100
1979-80	$ 11,106,500

Included in the above appropriation is $7,728,500 in fiscal year 1978-79 and $9,386,300 in fiscal year 1979-80 for the purchase of free textbooks in public schools.

i. Administration and Finance for Local School Systems

1978-79	$ 1,171,100
1979-80	$ 1,226,000

j. Out-of-District Children

1978-79	$ 1,488,900
1979-80	$ 1,879,400

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

Funds are provided for reimbursement to local school districts for programs provided in accordance with KRS 158.135 and applicable regulations. Provided, however, that if sufficient funds are not available to reimburse each district for the total cost of the services, each allocation shall be reduced in accordance with Part V, General Provisions, Section 8 of this Act.

k. Teacher Life Insurance

1978-79	$ 776,300
1979-80	$ 766,200

For providing life insurance to each full-time certificated and non-certificated employee of local boards of education.

l. Committee for School District Audits

1978-79	$ 227,100
1979-80	$ 244,500

m. Replacement of Student Fees

1978-79	$ 12,610,000
1979-80	$ 12,740,000

To be distributed to local school districts in accordance with appropriate administrative regulations to be promulgated by the Department of Education, for the abolishment of student fees. Twenty-five percent of each such allotment to local school districts shall be used for purchasing instructional materials.

n. Teacher Health Insurance

1978-79	$ 17,183,900
1979-80	$ 15,850,200

Funds are provided for the purchase of medical insurance for certificated and non-certificated full-time employees of local boards of education pursuant to applicable statutes and regulations. If the cost for life insurance or health insurance exceeds the level of appropriated funds in either of these categories, any unexpended School Foundation Program funds may be used to offset such expenditures, subject to the approval of the Secretary of the Executive Department for Finance and Administration.

o. State School Lunch Assistance

1978-79	$ 3,407,300
1979-80	$ 3,560,000

p. Vocational Education

1977-78	$ 1,000,000
1978-79	$ 31,721,600
1979-80	$ 35,231,300

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year, if in the determination of the Superintendent of Public Instruction and the Secretary of the Executive Department for Finance and Administration it is necessary for the continued operation of vocational education facilities.

q. Rehabilitation Services

1978-79	$ 2,934,600
1979-80	$ 3,384,900

TOTAL - DEPARTMENT OF EDUCATION

1977-78	$ 1,438,000
1978-79	$714,246,300
1979-80	$797,299,000

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40. KENTUCKY EDUCATIONAL TELEVISION

1978-79	$ 6,146,400
1979-80	$ 6,386,000

Included in the above appropriation is $614,650 in fiscal year 1978-79 and $612,750 in fiscal year 1979-80 for debt service.

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41. HERITAGE COMMISSION

1978-79	$ 831,000
1979-80	$ 831,000

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42. HISTORICAL SOCIETY

1978-79	$ 1,018,700
1979-80	$ 1,078,200

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43. DEPARTMENT OF LIBRARY AND ARCHIVES

1978-79	$ 5,573,600
1979-80	$ 5,697,200

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44. BUREAU FOR THE BLIND

1978-79	$ 739,700
1979-80	$ 755,400

Included in the above appropriation is $297,300 in fiscal year 1978-79 and $313,000 in fiscal year 1979-80 for Kentucky Industries for the Blind. Also included is not less than $160,000 in fiscal year 1978-79 and not less than $160,000 in fiscal year 1979-80 for direct client service authorizations in the General Blind Services program.

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45. ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

1978-79	$ 11,200
1979-80	$ 11,200

46. KENTUCKY SCHOOL BUILDING AUTHORITY

1978-79	$ 80,000
1979-80	$ 80,000

TOTAL - EDUCATION AND ARTS

1977-78	$ 1,438,000
1978-79	$729,721,300
1979-80	$813,285,100

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47. TEACHERS' RETIREMENT SYSTEM

1978-79	$ 68,576,300
1979-80	$ 76,518,500

For administering and complying with the obligations of the state under the Teachers' Retirement Act as provided in KRS 161.220 through 161.710.

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48. COUNCIL ON HIGHER EDUCATION

1978-79	$ 8,056,100
1979-80	$ 8,298,700

Included in the $8,056,100 appropriation for the 1978-79 fiscal year is $1,374,100 for General Administration and Support activities; $1,290,900 for Statewide Operations; $475,000 for Regional Operations; $1,826,500 for the Area Health Education System; and $3,089,600 for the Institutional Pools.

Included in the $8,298,700 appropriation for fiscal year 1979-80 is $1,429,300 for General Administration and Support; $1,403,300 for Statewide Operations; $550,000 for Regional Operations; $1,826,500 for the Area Health Education System; and $3,089,600 for the Institutional Pools.

In fiscal year 1978-79, $2,500,000 and in fiscal year 1979-80, $2,500,000 is appropriated to the Council on Higher Education for allocation to the institutions of public higher education for undergraduate enrollment growth and program development. Any distribution of the funds for enrollment growth purposes shall be computed based upon the following factors.

1. The Council on Higher Education shall submit to Office for Policy and Management, Executive Department for Finance and Administration, on or before July 1 for the fiscal year for which the appropriation is available, all cost data, computations, and recommendations for distributing the funds for enrollment growth.
2. Recommendations to the Office for Policy and Management for allotment purposes shall be based upon the projected fall undergraduate credit hour production for the fiscal year in which the appropriation is available with a computation of the full time equivalent enrollments and credit hour production in the undergraduate programs for the two preceding fall and spring semesters.
3. The Council on Higher Education shall also furnish the Office for Policy and Management computations which reflect the total actual cost per credit hour and the amount of that cost which is supported by the state appropriation for the latest fiscal year that the data can be obtained. In furnishing such information the Council on Higher Education shall identify separately data regarding the University of Kentucky Community College system.
4. There is hereby established for calculation and distribution purposes an enrollment growth pool base year. This base year shall be defined as the level of undergraduate enrollments for the fall semester 1975 as calculated by the Council on Higher Education and utilized for distribution purposes in fiscal year 1976-77.
5. Enrollment growth computations after fiscal year 1975-76 shall be expressed as factors of this base. Allocations for enrollment increases over this base shall be reduced by allotments already received since the establishment of the base, except that any allotment for this purpose, for a preceding year shall not be reduced.
6. The amount to be distributed to each institution shall be based upon the analysis of cost as determined by the Council and projected growth, if any, in the number of undergraduate credit hours to be produced.
7. Institutions receiving enrollment growth funds in 1978-79 and 1979-80 based upon projected increases, which do not attain the projected levels will have that portion of the funds returned to the Council on Higher Education prior to April 1, 1979, and April 1, 1980.

Also, included in the Institutional Pools program is $589,600 each year of the biennium for the purposes of upgrading faculty salary levels at the regional universities and the community colleges. The Council shall notify the institutions of the distribution of funds on or prior to April 1, 1978. The distribution is to be effected prior to August 1, 1978 pending a review by the Council of the institutions faculty salary levels, and subsequent recommendation to the Office for Policy and Management.

49.HIGHER EDUCATION ASSISTANCE AUTHORITY

1978-79	$ 4,050,000
1979-80	$ 3,900,000

In fiscal year 1978-79 and 1979-80 $2,000,000 is appropriated for the State Student Incentive Grant Program. The Kentucky Tuition Grant Program is appropriated $1,900,000 in fiscal year 1978-79 and $1,900,000 in fiscal year 1979-80. Also, $150,000 is appropriated in fiscal year 1978-79 for the Commonwealth Work/Study program.

50.UNIVERSITY OF KENTUCKY

1977-78	$ 625,300
1978-79	$112,110,100
1979-80	$123,187,800

51.UNIVERSITY OF LOUISVILLE

1977-78	$ 500,000
1978-79	$ 56,386,100
1979-80	$ 64,971,200

52.EASTERN KENTUCKY UNIVERSITY

1978-79	$ 25,794,600
1979-80	$ 27,780,400

53.WESTERN KENTUCKY UNIVERSITY

1977-78	$ 92,700
1978-79	$ 24,654,700
1979-80	$ 26,356,500

54.MOREHEAD STATE UNIVERSITY

1978-79	$ 15,799,400
1979-80	$ 16,953,900

55.MURRAY STATE UNIVERSITY

1977-78	$ 66,600
1978-79	$ 19,107,700
1979-80	$ 20,874,900

56.KENTUCKY STATE UNIVERSITY

1977-78	$ 266,900
1978-79	$ 7,567,500
1979-80	$ 8,587,600

57.NORTHERN KENTUCKY UNIVERSITY

1978-79	$ 13,334,800
1979-80	$ 14,400,300

TOTAL - HIGHER EDUCATION

1977-78	$ 1,551,500
1978-79	$286,861,000
1979-80	$315,311,300

D. HUMAN RESOURCES

58.DEPARTMENT FOR HUMAN RESOURCES

a. Bureau for Social Insurance

1. Administration

1977-78	$ 22,076,100
1978-79	$ 22,415,600
1979-80	$ 23,776,100

In the event that any portion of this appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the bureau, such amount, with the approval of the Governor, may be used for Public Assistance Benefits to the needy in accordance with the statutes governing the functions and activities of the Bureau for Social Insurance. In no instance shall these excess funds be used, without the prior written approval of the Governor, to:

1. establish a new program,

2. expand the services of an existing program,

3. increase rates or payment levels in an existing program.

In instances where approval is given, notification shall be immediately forwarded to the Legislative Research Commission, along with the Governor's written approval and supporting documents from the Department for Human Resources and the Executive Department for Finance and Administration. Notwithstanding KRS 45.235, any unexpended balance not used for Public Assistance Benefits remaining at the close of the 1978-79 fiscal year shall lapse.

2. Benefits

1977-78	$116,783,600
1978-79	$129,588,900
1979-80	$144,737,100

To be used for the payment of benefits in accordance with the statutes governing the functions and activities of the Bureau for Social Insurance.

Included in the above appropriation for benefits is not more than $90,000 in fiscal year 1978-79 and not more than $90,000 in fiscal year 1979-80 to be utilized for the purpose of providing dentures as an optional program service to recipients of medical assistance. Except that any unused portion of the $90,000 appropriated for this purpose in fiscal year 1978-79 shall be carried forward and added to the $90,000 appropriated for this purpose in fiscal year 1979-80. Once these amounts are exhausted, the provision of dentures shall cease as an optional program service under medical assistance.

Also, included in the above appropriation for benefits is not more than $750,000 in fiscal year 1978-79 and not more than $750,000 in fiscal year 1979-80 to be utilized for a program of short-term crisis assistance. Except that any unused portion of the $750,000 appropriated for this purpose in fiscal year 1978-79 shall be carried forward and added to the $750,000 appropriated for this purpose in fiscal year 1979-80. Once these amounts are exhausted, the provision of short-term crisis assistance shall cease.

No portion of this appropriation may be used for the costs of administration except with the prior written approval of the Governor. In no instance shall the unexpended balance carried forward, as provided by KRS 45.235, or any portion thereof be used, without the prior written approval of the Governor, to:

1. establish a new program,

2. expand the services of an existing program,

3. increase rates or payment levels in an existing program.

In instances where approval is given, notification shall be immediately forwarded to the Legislative Research Commission, along with the Governor's written approval and supporting documents from the Department for Human Resources and the Executive Department for Finance and Administration.

All medical assistance vendor statements for services rendered as a result of bona fide claims for medical care may be paid in the fiscal year in which such statements are received by the paying agency.

b. Bureau for Manpower Services

1977-78	$ 580,000
1978-79	$ 580,000
1979-80	$ 580,000

c. Bureau for Health Services

1977-78	$ 56,988,300
1978-79	$ 61,851,300
1979-80	$ 68,644,300

d. Bureau for Social Services

1977-78	$ 22,823,400
1978-79	$ 26,439,900
1979-80	$ 28,567,100

e. Executive Policy Support

1977-78	$ 8,514,000
1978-79	$ 9,416,700
1979-80	$ 9,352,700

TOTAL— HUMAN RESOURCES

1977-78	$227,765,400
1978-79	$250,292,400
1979-80	$275,657,300

E. JUDICIARY

59. JUDICIARY

a. Court Operation and Administration

1977-78	$ 2,759,700
1978-79	$ 34,575,700
1979-80	$ 35,868,800

To be used for the purposes of the Supreme Court, Court of Appeals, Circuit Court, District Court, Clerk of Supreme Court, Court Administrators, the Administrative Office of the Court, Pretrial Release, Judicial Boards and Commissions, Judicial Retirement, and for services performed by the Circuit Clerk offices, including both circuit and district court support. The specific allocation of clerk personnel and operating expenses shall be made by the Administrative Office of the Court of Justice, based on the statewide need.

Excluded from the above appropriation are funds for all judges' salary increases.

Included in the above appropriation is $296,000 in fiscal year 1978-79 and $296,000 in fiscal year 1979-80 to be used for employment of secretary/recorders for district judges. The specific allocation of district court secretary/recorders and operating expenses shall be made by the Administrative Office of the Court of Justice based upon the same procedures for the allocation of circuit clerk deputies.

b. Local Facility Support

1978-79	$ 3,586,500
1979-80	$ 4,873,000

To be used to secure court facilities to support the Unified Court of Justice system.

TOTAL— JUDICIARY

1977-78	$ 2,759,700
1978-79	$ 38,162,200
1979-80	$ 40,741,800

F. JUSTICE

60. DEPARTMENT OF JUSTICE

a. Bureau of Training

1978-79	$ 1,611,000
1979-80	$ 1,637,500

b. Bureau of Corrections

1978-79	$ 26,403,100
1979-80	$ 28,762,900

c. Bureau of State Police

1978-79	$ 37,453,700
1979-80	$ 39,749,500

Any extraordinary expenditures of funds as a result of the Governor's call of the Kentucky State Police to extraordinary duty is hereby declared to be a necessary governmental expense; provided, however, that an emergency situation shall have been declared to exist by the Governor. This section shall become effective immediately upon its enactment by the General Assembly and approval by the Governor and shall be deemed to be retroactive for the 1977-78 fiscal year.

d. Public Defender

1978-79	$ 2,812,700
1979-80	$ 2,964,900

e. Justice Administration

1978-79	$ 8,432,200
1979-80	$ 8,484,100

The annual criminal justice plan developed by the Department of Justice as required by Federal law shall be submitted upon publication to the Interim Joint Appropriations and Revenue Committee.

TOTAL— DEPARTMENT OF JUSTICE

1978-79	$ 76,712,700
1979-80	$ 81,598,900

G. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

61. DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

a. Bureau for Natural Resources

1978-79	$ 10,226,000
1979-80	$ 8,915,800

Not less than $60,000 of the appropriation for each fiscal year shall be set aside for emergency forest fire suppression. Any expenditure for emergency fire suppression in excess of this amount in either fiscal year is hereby declared to be a necessary governmental expense; provided, however, that an emergency situation shall have been declared to exist by the Governor.

b. Bureau for Environmental Protection

1978-79	$ 5,458,000
1979-80	$ 5,543,400

In the event that enabling legislation to implement a vehicle emissions 0 inspection program is not enacted by the 1978 General Assembly, $220,400 in fiscal year 1978-1979 and $34,000 in fiscal year 1979-80 of the above appropriations shall remain unallotted and shall lapse to the credit of the General Fund and the Secretary of the Executive Department for Finance and Administration is hereby authorized to transfer $100,000 in fiscal year 1979-80 to the Bureau for Natural Resources for the purpose of equipment replacement and $6,000 in fiscal year 1978-79 and $6,000 in fiscal year 1979-80 to the Kentucky Nature Preserves Commission for the purpose of agency operations.

c. Bureau for Surface Mining Reclamation and Enforcement

1977-78	$ 200,000
1978-79	$ 3,867,400
1979-80	$ 4,193,100

d. General Administration and Support

1978-79	$ 1,724,700
1979-80	$ 1,797,100

TOTAL - DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

1977-78	$ 200,000
1978-79	$ 21,276,100
1979-80	$ 20,449,400

62. ENVIRONMENTAL QUALITY COMMISSION

1978-79	$ 47,500
1979-80	$ 47,500

63. KENTUCKY NATURE PRESERVES COMMISSION

1978-79	$ 97,400
1979-80	$ 104,100

1977-78	$ 200,000
1978-79	$ 21,421,000
1979-80	$ 20,601,000

H. PUBLIC PROTECTION AND REGULATION

64. OFFICE OF THE SECRETARY

1978-79	$ 168,700
1979-80	$ 177,600

65. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1978-79	$ 846,300
1979-80	$ 890,600

66. DEPARTMENT OF BANKING AND SECURITIES

1978-79	$ 1,602,600
1979-80	$ 1,679,800

Notwithstanding the provision of KRS 47.130, receipts collected by the Department shall be paid into the General Fund.

67. BOARD OF TAX APPEALS

1978-79	$ 118,300
1979-80	$ 121,300

68. DEPARTMENT OF INSURANCE

1978-79	$ 1,281,100
1979-80	$ 1,346,700

69. DEPARTMENT OF LABOR

1978-79	$ 1,183,700
1979-80	$ 1,204,400

70. REGISTRY OF ELECTION FINANCE

1978-79	$ 180,500
1979-80	$ 189,500

71. DEPARTMENT OF MINES AND MINERALS

1978-79	$ 4,080,900
1979-80	$ 3,885,400

72. PUBLIC SERVICE COMMISSION

1977-78	$ 288,500
1978-79	$ 2,220,400
1979-80	$ 2,296,100

Included in the above appropriation is $173,300 in fiscal year 1978-79 and $169,000 in fiscal year 1979-80 for compliance with the National Energy Act (**HR 8444**). In the event that the National Energy Act (**HR 8444**) is not enacted by the United States Congress during the 1978-80 biennium, these funds shall remain unallotted and shall lapse to the credit of the General Fund at the end of each fiscal year.

73. KENTUCKY QUARTER HORSE AND APPALOOSA COMMISSION

1978-79	$ 81,000
1979-80	$ 84,000

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74. KENTUCKY STATE RACING COMMISSION

1978-79	$ 444,200
1979-80	$ 501,800

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75. KENTUCKY HARNESS RACING COMMISSION

1978-79	$ 312,300
1979-80	$ 330,900

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76. DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

1977-78	$ 500,000
1978-79	$ 2,977,700
1979-80	$ 3,039,100

TOTAL— PUBLIC PROTECTION AND REGULATION

1977-78	$ 788,500
1978-79	$ 15,497,700
1979-80	$ 15,747,200

I. TRANSPORTATION

77. DEPARTMENT OF TRANSPORTATION

a. Air Transportation

1978-79	$ 2,473,400
1979-80	$ 2,898,300

Included in the above appropriation is $2,080,300 in fiscal year 1978-79 and $2,498,700 in fiscal year 1979-80 for the Airport Development Fund. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

b. Water Transportation

1978-79	$ 965,000
1979-80	$ 1,009,500

The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

c. Rail Transportation

1978-79	$ 476,000
1979-80	$ 776,000

Included in the above appropriation is $420,000 in fiscal year 1978-79 and $720,000 in fiscal year 1979-80 for the purpose of establishing a Railroad Development program. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

d. Public Transportation

1978-79	$ 703,400
1979-80	$ 703,400

Included in the above appropriation is $500,000 each fiscal year for the purchase of general municipal transportation vehicles. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

e. General Administration and Support

1978-79	$ 580,900
1979-80	$ 580,900

Included in the above appropriation is $125,000 each fiscal year for the purpose of conducting a continuing statewide transportation systems planning program relating to rail, water and air freight, and commodity movement. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

f. Highways

1) Bureau of Vehicle Regulation

(Except Division of Water Enforcement)

1978-79	$ 3,824,600
1979-80	$ 4,014,500

The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

2) Energy Road Fund

1978-79	$ 13,000,000
1979-80	$ 13,000,000

These funds are appropriated to the Energy Road Fund. This fund shall be used for the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge in "coal producing counties" as defined by law. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

TOTAL— DEPARTMENT OF TRANSPORTATION

1978-79	$ 22,023,300
1979-80	$ 22,982,600

J. ENERGY

78. DEPARTMENT OF ENERGY

a. General Operations

1977-78	$ 883,200
1978-79	$ 6,853,300
1979-80	$ 7,216,100

b. Demonstration Trust Fund

1978-79	$ 1,000,000
1979-80	$ 3,400,000

The Department of Energy will be responsible for the functions previously carried out by the Kentucky Center for Energy Research and the Department of Energy.

TOTAL— DEPARTMENT OF ENERGY

1977-78	$ 883,200
1978-79	$ 7,853,300
1979-80	$ 10,616,100

PART II
TRUST AND AGENCY FUNDS

There is appropriated to the various officers, cabinets, departments, boards, commissions, institutions, subdivisions, and other agencies of the State Government only as are listed herein for the fiscal year ending June 30, 1979, and for the fiscal year ending June 30, 1980, all of the fees (which include fees for board and room, athletics, and student activities) and rental, admittances, sales, bond proceeds, licenses collected by law, gifts, subventions, Federal grants and other Federal funds received, contributions, income from investments and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Trust and Revolving, or an Agency Fund out of which shall be established separate Trust and Revolving or Agency Fund accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized. All funds received are appropriated and shall be deposited in the State Treasury and credited to the proper account as provided by KRS Chapters 12, 42, and 45.

In the event receipts received and credited to any Trust and Revolving or Agency Fund account during fiscal year 1978-79 or fiscal year 1979-80 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account for the fiscal year in which the excess occurs; provided, however, that with the exception of Federal grants and other Federal funds received, said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the Executive Director of the Office for Policy and Management upon approval of the Secretary of the Executive Department for Finance and Administration.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Trust and Revolving or Agency Fund account, through the Executive Department for Finance and Administration, during the fiscal year ending June 30, 1979, and during the fiscal year ending June 30, 1980, all receipts placed to the credit of the Trust and Revolving or Agency Fund for such year, out of which has been established a Trust and Revolving or Agency Fund account for each separate agency during such fiscal year, in addition to any balance which said agency may have had forwarded from the preceding year on or before August 31, of the then current fiscal year, by the Executive Department for Finance and Administration. On or before the beginning of each fiscal year, each agency shall submit to the Executive Department for Finance and Administration schedules showing estimated receipts and estimated expenditures by quarterly period.

A. GENERAL GOVERNMENT

1. AUDITOR OF PUBLIC ACCOUNTS

a. Auditing County Governments

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2. SECRETARY OF STATE

Notwithstanding the provisions of KRS 271A.625, KRS 271A.630, KRS 271A.635, and KRS 56.300; all the operating receipts from all activities of the office of the Secretary of State shall be deposited in the State Treasury to the credit of the General Fund.

3. CAPITAL PLAZA

a. Commercial Area		
	1978-79	$ 104,000
	1979-80	$ 99,000
b. Recreation and Entertainment Facilities		
	1978-79	$ 115,400
	1979-80	$ 120,500
c. Debt Service		

4. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

All funds received under the federal Public Works Employment Act of 1976, Title II, Public Law 94-369 as amended by Title VI of Public Law 95-30 and as subsequently reenacted or amended are hereby appropriated to the Executive Department for Finance and Administration to be used for the maintenance of basic services in and among the various agencies, cabinets, and departments of state government. Any portion of these funds may be transferred to other major program areas or agencies of state government for the purpose of continuing basic services; provided, however, that such transfers shall be used to reduce General Fund appropriations and shall not in any way increase the expenditure level authorized by the General Assembly.

5. KENTUCKY RETIREMENT SYSTEMS

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6. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

	1978-79	1979-80
a. Board of Accountancy	$ 94,800	$124,900
b. Board of Architects	$ 52,000	$ 53,100
c. Board of Auctioneers	$ 48,700	$ 48,700
d. Board of Barbers	$105,200	$111,700
e. Board of Chiropractic Examiners	$ 36,000	$ 39,000
f. Board of Dental Examiners	$ 79,000	$ 83,700
g. Board of Embalmers and Funeral Directors	$ 43,800	$ 51,600
h. Board of Engineers and Land Surveyors	$125,400	$128,800
i. Board of Hairdressers and Cosmetologists	$311,400	$297,500

j.	Board of Hearing Aid Dealers	$ 8,500	$ 8,200
k.	Board of Landscape Architecture	$ 8,300	$ 8,600
l.	Board of Medical Licensure	$145,500	$145,500
m.	Board of Nurses	$320,100	$335,300
n.	Nursing Home Administrators Licensure Board	$ 24,900	$ 25,500
o.	Board of Ophthalmic Dispensers	$ 6,200	$ 6,300
p.	Board of Optometric Examiners	$ 18,400	$ 18,400
q.	Board of Pharmacy	$163,600	$171,600
r.	Board of Physical Therapy	$ 13,600	$ 15,000
s.	Board of Podiatry	$ 2,500	$ 2,500
t.	Board of Proprietary Education	$ 41,400	$ 44,300
u.	Board of Psychology	$ 17,000	$ 16,700
v.	Real Estate Commission		
	1. Examination and Licensing	$266,800	$277,800
	2. Real Estate Education Research and Recovery	$349,500	$357,500
w.	Board of Social Workers	$ 40,300	$ 42,100
x.	Board of Speech Pathologists and Audiologists	$ 6,900	$ 6,500
y.	Board of Veterinary Examiners	$ 18,600	$ 18,600
z.	Board of Watchmaking	$ 9,300	$ 9,300

7. DEPARTMENT OF PERSONNEL

8. DEPARTMENT OF REVENUE

9. COUNTY FEES

County Fees for the following counties: Jefferson, Kenton, Fayette, Campbell, and Daviess are for paying the various officials of each county enumerated, seventy-five percent (75 percent) of the fees provided by law to be paid, by the State, to these officials when their claims for fees have been presented to the Executive Department for Finance and Administration in the form and manner prescribed by law and approved by the Secretary of the Executive Department for Finance and Administration, and to pay the Fiscal Court of each of said counties twenty-five percent (25 percent) of said fees as required by KRS 64.350.

10. MILITARY AFFAIRS

11. DEPARTMENT OF LAW

a. Uninsured Employers Fund

1978-79	$ 331,000
1979-80	$ 354,500

b. Anti-Trust Unit

1978-79	$ 124,000
1979-80	$ 32,500

12. KENTUCKY HORSE COUNCIL

13. BOARD OF ELECTIONS

1978-79	$ 25,000

	1979-80	$ 25,000
14. DEPARTMENT FOR LOCAL GOVERNMENT		

B. DEVELOPMENT

15. OFFICE OF THE SECRETARY		
	1978-79	$ 150,000
	1979-80	$ 150,000
16. DEPARTMENT OF PARKS		
	1978-79	$ 20,162,400
	1979-80	$ 21,937,000
17. DEPARTMENT OF AGRICULTURE		
	1978-79	$ 1,881,000
	1979-80	$ 1,910,800
18. DEPARTMENT OF FISH AND WILDLIFE		
19. DEPARTMENT OF COMMERCE		
	1978-79	$ 460,000
	1979-80	$ 354,000
20. STATE FAIR BOARD		
	1978-79	$ 7,457,200
	1979-80	$ 7,396,000
21. KENTUCKY INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY		
	1978-79	$ 1,303,400
	1979-80	$ 851,000

C. EDUCATION

22. ADVISORY COUNCIL FOR VOCATIONAL EDUCATION		
23. OFFICE OF THE SECRETARY		
24. ARTS COMMISSION		
25. DEPARTMENT OF EDUCATION		
a. General Administration and Support Services		
b. Education for Exceptional Children		
	1978-79	$ 5,414,200
	1979-80	$ 7,901,900
c. Instruction		
	1978-79	$ 45,000,000
	1979-80	$ 45,000,000
d. Administration and Finance for Local School Systems		
e. Vocational Education		
	1978-79	$ 28,000,000
	1979-80	$ 28,000,000
f. Vocational Rehabilitation		
	1978-79	$ 15,000,000
	1979-80	$ 16,000,000
26. KENTUCKY EDUCATIONAL TELEVISION		
27. HERITAGE COMMISSION		
28. HISTORICAL SOCIETY		

29. DEPARTMENT OF LIBRARY AND ARCHIVES

30. BUREAU FOR THE BLIND

31. TEACHERS' RETIREMENT SYSTEM

32. COUNCIL ON HIGHER EDUCATION

1978-79	$ 316,700
1979-80	$ 297,100

33. HIGHER EDUCATION ASSISTANCE AUTHORITY

Those fund balances in the student loan program may with the approval of the Office for Policy and Management be expended for loans, loan reserves, and other purposes related to the Authority's implementation of the state insured loan program.

34. UNIVERSITY OF KENTUCKY

35. UNIVERSITY OF LOUISVILLE

36. EASTERN KENTUCKY UNIVERSITY

37. WESTERN KENTUCKY UNIVERSITY

38. MOREHEAD STATE UNIVERSITY

39. MURRAY STATE UNIVERSITY

40. KENTUCKY STATE UNIVERSITY

41. NORTHERN KENTUCKY UNIVERSITY

D. HUMAN RESOURCES

42. DEPARTMENT FOR HUMAN RESOURCES

a. Bureau for Social Insurance

1978-79	$420,869,800
1979-80	$437,610,300

b. Bureau for Manpower Services

1978-79	$ 58,329,000
1979-80	$ 54,415,400

c. Bureau for Health Services

1978-79	$ 56,751,900
1979-80	$ 59,887,300

d. Bureau for Social Services

1978-79	$ 59,725,000
1979-80	$ 61,755,800

e. Executive Policy Support

1978-79	$ 16,906,900
1979-80	$ 18,652,600

E. JUDICIARY

43. JUDICIARY

1978-79	$ 973,600
1979-80	$ 974,300

F. JUSTICE

44. DEPARTMENT OF JUSTICE

a. Bureau of Training

1978-79	$ 125,500
1979-80	$ 132,100

1978-79 ... $ 2,164,800
1979-80 ... $ 1,987,600

b. Bureau of Corrections
1978-79 ... $ 777,000
1979-80 ... $ 450,000

c. Bureau of State Police
1978-79 ... $ 50,700
1979-80 ... $ 29,500

d. Public Defender
1978-79 ... $ 6,421,300
1979-80 ... $ 6,598,700

e. Justice Administration

G. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

45. DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

a. Bureau for Natural Resources
1978-79 ... $ 485,000
1979-80 ... $ 485,000

b. Bureau for Environmental Protection
1978-79 ... $ 550,000
1979-80 ... $ 1,415,000

c. General Administration and Support
1978-79 ... $ 325,000
1979-80 ... $ 325,000

d. Bureau for Surface Mining Reclamation

H. PUBLIC PROTECTION AND REGULATION

46. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
1978-79 ... $ 3,000
1979-80 ... $ 3,000

47. DEPARTMENT OF INSURANCE

48. DEPARTMENT OF LABOR

a. Occupational Safety and Health
1978-79 ... $ 3,574,400
1979-80 ... $ 3,798,400

b. Special Fund

c. Elevator Safety
1978-79 ... $ 43,600
1979-80 ... $ 43,600

d. Workmen's Compensation Board
1978-79 ... $ 1,906,900
1979-80 ... $ 1,979,300

For the general operations of the Workmen's Compensation Board and administrative services provided to the Board through the General Administration and Support program.

49. DEPARTMENT OF MINES AND MINERALS
1978-79 ... $ 447,800
1979-80 ... $ 491,000

50. KENTUCKY QUARTER HORSE AND APPALOOSA COMMISSION

51. KENTUCKY STATE RACING COMMISSION

52. KENTUCKY HARNESS RACING COMMISSION

53. PUBLIC SERVICE COMMISSION

54. DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

I. TRANSPORTATION

55. DEPARTMENT OF TRANSPORTATION	
a. Air Transportation	
1978-79	$ 5,532,500
1979-80	$ 8,276,200
b. Water Transportation	
c. Rail Transportation	
d. Mass Transportation	
e. General Administration	
f. Highways	
1) Bureau of Highways	
2) Bureau of Vehicle Regulation	
1978-79	$ 1,551,500
1979-80	$ 1,570,600

J. ENERGY

56. DEPARTMENT OF ENERGY	
1978-79	$ 3,860,700
1979-80	$ 2,571,700

PART III
TRANSPORTATION FUND

Monies in the Transportation Fund are appropriated for use by the Department of Transportation in its activities, functions, and duties performed by it as prescribed by law. The Transportation Fund shall consist of all the state revenues realized from fees, taxes, and license fees levied for state road purposes authorized by law, and any additional or other revenues, grants, or funds, including any amount which may be received from Federal aid, bond funds, General Funds appropriated, or any other sources pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Transportation. Such receipts and revenues, and unappropriated surplus, together with any balance as of June 30, 1978, shall constitute the Transportation Fund for the fiscal years 1978-79 and 1979-80 respectively. An annual budget for each fiscal year shall be submitted by the Department of Transportation to the Executive Department for Finance and Administration for approval by June 1, 1978, for fiscal year 1978-79 and by June 1, 1979, for fiscal year 1979-80. The budget shall be based upon the most current State Road Fund estimates and Surplus, estimates of contractual and noncontractual Federal aid, General Fund appropriated, and funds and fees from any other source.

In the event the State Road Fund estimates are revised during the biennium the Department of Transportation shall submit its annual budget based upon the new estimates. These estimates are to be certified by the Commissioner of Revenue to the Secretary of the Executive Department for Finance and Administration and upon the approval of the Governor the Secretary of the Executive Department for Finance and Administration shall make the appropriate increases or decreases to the Department of Transportation's annual budget. If the State Road Fund estimates are increased or decreased during a fiscal year the Department of Transportation shall request from the Executive Department for Finance and Administration with approval of the Governor authority to increase or decrease its annual budget in accordance with Part V, General Provisions, Section 8 of this Act. The following monies are appropriated from the State Road Fund.

A. TRANSPORTATION

1. DEPARTMENT OF TRANSPORTATION	
a. General Administration	
1978-79	$ 32,494,200
1979-80	$ 33,413,700
b. Highways	
1) Bureau of Highways	
1978-79	$361,693,500
1979-80	$375,394,000

Included in the above appropriation for fiscal year 1978-79, in addition to the amount designated pursuant to KRS 138.220 and 138.565 is $15,000,000 for the County Road Aid program. Also included in the above appropriation for fiscal year 1978-79, in addition to the amount designated pursuant to KRS 138.220 and 138.565 is $5,000,000 for the Municipal Aid program. In the event that the United States Congress fails to provide funding for the establishment of a "Federal Coal Haul Road System", $10,000,000 in fiscal year 1979-80 of state Road Fund monies shall be used for the County Road Aid program.

a) **Rural Highways**

i. County Road Aid. For construction, reconstruction, improvement, and maintenance of county roads and bridges the designated portion of all revenue received pursuant to KRS 138.220 and 138.565 shall be expended in accordance with KRS 177.320(2). These funds shall be distributed in accordance with the formula prescribed by the provisions of KRS 177.360.

ii. Rural Secondary Roads. For construction, reconstruction, and maintenance of rural and secondary roads, the designated portion of all revenue received pursuant to the provisions of KRS 138.220 and 138.565, shall be expended in accordance with KRS 177.320. These funds shall be distributed in accordance with the formula prescribed by the provisions of KRS 177.360. In addition, pursuant to the duties and responsibilities of county judges/executives associated with the administration of the local county road program, beginning January 1, 1978, the expense allowance for each county judge/executive shall be paid from the Transportation Fund. These expenses shall be paid from those appropriated funds for the rural secondary road revenue sharing program as provided in KRS 177.360 and KRS 67.

b) Municipal Aid. For the construction, reconstruction, and maintenance of urban roads, streets, and bridges, the designated amounts received pursuant to the provisions of KRS 138.220 and 138.565, shall be expended and distributed in accordance with KRS 177.365 through 177.368.

2) **Bureau of Vehicle Registration**
(Except Division of Water Enforcement)

1978-79	$ 2,642,100
1979-80	$ 3,278,200

Total - Highways

1978-79	$364,335,600
1979-80	$378,672,200

TOTAL - DEPARTMENT OF TRANSPORTATION

1978-79	$396,829,800
1979-80	$412,085,900

PART IV
CAPITAL CONSTRUCTION FUND
A. GENERAL FUND

1. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

1977-78	$ 3,087,600
1978-79	$ 7,351,700
1979-80	$ 2,544,700

Monies are appropriated for capital projects among those enumerated in the budget document and among those capital projects previously and partially funded by the 1974 General Assembly and those projects authorized by the 1976 Extraordinary Session, consisting of general construction, renovation, maintenance, improvements, property acquisition, major items of equipment, and administrative costs relating to the design, construction, and supervision of such capital projects, including, but not limited to, reclamation and industrial development projects, dam repair and maintenance, flood damage abatement projects, sewer projects and loans and grants in aid for capital purposes, the provisions of subsection (9) of KRS 45.040 notwithstanding, excluding however consumable and other usable supplies. Those projects set forth in the budget document under the sub-heading "colleges and universities" are subject to substitution upon action of the Council on Higher Education and subject to the approval of the Executive Department for Finance and Administration. There shall be allocated from the balance of the Capital Construction Fund remaining on June 30, 1978, $750,000 for fiscal year 1978-79 and $750,000 for fiscal year 1979-80 for replacement of major items of equipment for Kentucky Educational Television. The funds are appropriated for this purpose.

The Council on Higher Education shall submit to the Legislative Research Commission written notice prior to the issuance and sale of definitive bonds or temporary bonds or the securing of interim financing through bond anticipation notes, loan agreements or by any other means by any state college or university. This notice shall identify the project to be funded as well as the source and amount of funds.

All monies transferred to the Executive Department for Finance and Administration for capital construction from any appropriations, including income from investments, shall be expended, accounted for, and otherwise treated in the same manner as funds appropriated directly to the Executive Department for Finance and Administration for capital construction.

If at the end of any fiscal year the monies and securities to the credit of the State Fire and Tornado Insurance Fund exceed $2,000,000 and if conditions with respect to life and fire safety in state properties are such as not to require the expenditure of all excess funds for improvements to said conditions, then the

Secretary of the Executive Department for Finance and Administration, with the concurrence of the Commissioner of Insurance, shall determine the amount of such excess not so required and may authorize its transfer to the Capital Construction Fund, for expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

The Secretary of the Executive Department for Finance and Administration is hereby authorized to transfer up to ten (10) million dollars in funds from the School Foundation Program to the Capital Construction Fund for fiscal year 1977-78 for the purpose of removing architectural barrier from public buildings. The transfer shall only be completed upon verification from the Department of Education that uncommitted funds are available in the School Foundation Program and that the transfer of such funds will not jeopardize the intent of previous appropriations or the School Foundation Program appropriation and uses of the School Foundation Program Fund described elsewhere in this Act.

B. FEDERAL REVENUE SHARING

2. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

1978-79	$ 40,000,000
1979-80	$ 41,000,000

These funds are appropriated in accordance with the provisions of the federal State and Local Fiscal Assistance Act of 1972 and extension thereof. In the event these monies, or any portion thereof, are not made available to the Commonwealth, the Secretary of the Executive Department for Finance and Administration shall take appropriate action as required by Part V, General Provisions, Section 8 of this Act.

PART V
GENERAL PROVISIONS

1. Nothing in this Act shall be construed to repeal any appropriation made hereinbefore or hereinafter for the fiscal year ending June 30, 1978,except Chapter 27, Part I, Section D of the 1976 Extraordinary Session Acts of the General Assembly which is hereby repealed, and nothing in this Act is to be construed as amending or altering the provisions of Chapters 42 and 45 of the Kentucky Revised Statutes pertaining to the duties and powers of the Secretary of the Executive Department for Finance and Administration. All questions that arise in interpreting any appropriation in this Act as to the purpose or manner for which such appropriation may be expended shall be decided by the Secretary for Finance and Administration in accordance with the detailed estimates embodied in the Executive Budget 1978-80 and supporting work papers, as considered by the General Assembly, and the decision of the Secretary of the Executive Department for Finance and Administration shall be final and conclusive.

2. In enacting this Appropriation Act, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof as a separate and/or specific appropriation and law, and if any section, any subsection, or any provision thereof shall be held invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

3. The Secretary of the Executive Department for Finance and Administration is authorized to establish a system or formula or a combination of both for pro-rating the administrative costs of the Department of Personnel, Executive Department for Finance and Administration, Treasury, and Law relative to the administration of programs in which there is joint participation by the State and Federal Governments for the purpose of receiving the maximum amount of participation permitted under the appropriate Federal laws and regulations governing such programs.

4. All continuing appropriations in existence at the time this Act takes effect are discontinued and repealed by this Act, notwithstanding any provisions of the Kentucky Revised Statutes to the contrary, except as provided by Chapters 12, 42, 56, 152, 177 and 341 of the Kentucky Revised Statutes. All laws and portions of laws in conflict with any of the provisions of this Section, to the extent of such conflict, are hereby repealed.

5. No state agency, cabinet, department, office or program shall incur any obligation against the General Fund appropriations contained herein unless such obligation may be reasonably determined to have been contemplated in the Governor's budget proposal and is supported by appropriate work papers and other records pertaining thereto.

6. Any appropriation made herein by the General Fund in anticipation of a lack, loss or reduction of Federal grants shall lapse to the General Fund to the extent such Federal funds otherwise become available.

7. All funds received under the Federal Social Security Amendments of 1977, Public Law 95-216 (H.R. 9346, Sec. 401, 402, and 405) are hereby appropriated to the Department for Human Resources to be used to

implement Community Work Experience programs as established under Kentucky Revised Statutes 205.650—205.700. In enacting this section of this Appropriation Act, it is the deliberate intention of the General Assembly that these funds should be used, within federal law and regulation, for federal match whenever possible to maximize their statewide impact.

8. Whereas, inasmuch as the finances of the Commonwealth cannot be ascertained with absolute certainty at this time, and since the actual needs of each officer, cabinet, department, board, commission, institution, agency or other activity or subdivision of state government can only be anticipated and not finally determined by the General Assembly, and since the total amount of revenue accruing to the General Fund and to the Transportation Fund and accruing from various fees or from Federal funds from which appropriations are made can only be anticipated as being produced through existing laws and those that may hereafter be enacted, and recognizing the complex nature of the economy, it is the purpose and intention of this Act that the expenditures for each fiscal year shall not exceed the total financial resources accruing to any Fund, as defined in KRS Chapter 45, for the same fiscal year. As the conditions cannot be fully determined until after the adjournment of the 1978 General Assembly, and as the needs of each officer, cabinet, department, board, agency, commission, institution, subdivision or activity of state government, together with the total financial resources accruing to the General Fund and the Transportation Fund cannot be fully determined at this time, it is the intention and purpose of this General Assembly that the Secretary of the Executive Department for Finance and Administration, with the advice of the Commissioner of the Department of Revenue, upon approval of the Governor of the Commonwealth, is authorized, empowered and directed to ascertain and determine the needs of each officer, cabinet, department, board, commission, institution, subdivision, agency or other activity of state government and to ascertain the total financial resources anticipated to be accrued to the General Fund and the Transportation Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Secretary of the Executive Department for Finance and Administration, in the manner set forth as provided by general law, is authorized, empowered, and directed by the General Assembly to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to needs, without discrimination, the appropriations herein made from the General Fund and Transportation Fund to each officer, cabinet, department, board, commission, institution, subdivision, agency or other activity in state government, provided, however, that the power invested shall not permit any reduction of the appropriations of any officer, cabinet, department, board, commission, institution, subdivision, agency or other activity of state government that will actually impair the necessary constitutional functions of such agency or activity, the operations and functions of which are determined to be necessary constitutional functions of state government.

The Committee on Appropriations and Revenue reported **HJR 79** with Committee Amendment No. 2 attached thereto, **HB 261** with Committee Amendment attached thereto, and **HB 469** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment No. 2 to **HJR 79** is as follows:

Amend printed copy of **HJR 79,** page 5, line 22, by deleting "two" and inserting in lieu thereof "one";

and on line 23, by deleting "$200,000" and inserting in lieu thereof "$100,000";

and on line 24, by deleting "two" and inserting in lieu thereof "one" and by deleting "$200,000" and inserting in lieu thereof "$100,000".

The Committee Amendment to **HB 261** is as follows:

Amend printed copy of **HB 261,** page 1, line 14, by deleting the words "fifteen percent (15%)" and substituting in lieu thereof the words "ten percent (10%)";

and on page 1, lines 18 and 19, by deleting the words "seven and one-half percent (71/2 %)" and substituting in lieu thereof the words "five percent (5%)";

and on page 2, lines 1 and 2, by deleting the words "seven and one-half percent (71/2 %)" and substituting in lieu thereof the words "five percent (5%)";

and on page 2, line 16, by deleting the words "fifteen percent (15%)" and substituting in lieu thereof the words "ten percent (10%)"

and on page 2, line 23, by deleting the words "seven and one-half percent (7 1/2 %)" and substituting in lieu thereof the words "five percent (5%)";

and on page 3, lines 4 and 5, by deleting the words "seven and one-half percent (7 1/2 %)" and substituting in lieu thereof the words "five percent (5%)".

The Committee Amendment to **HB 469** is as follows:

Amend printed copy of **HB 469,** page 1, line 12, by inserting after "activity" and before "which" the words "in which it is not engaged as of the effective date of this Act and";

and on page 3, line 4, by inserting the words: "under contract" after the word "operation" and before the word "at";

and on page 3, line 6, by deleting the words "until July 1, 1978, or";

and on page 3, line 8, by placing a period "." after "Act" and by deleting the words "at which time they must cease, unless";

and on page 3, lines 9 and 10, by deleting lines 9 and 10 and inserting in lieu thereof the following:

"After the expiration of such contract, the agency or institution shall not renew the contract or execute a new contract to perform the activity unless:

(a) upon the agency's or institution's application, the secretary for public protection and regulation approves the activity in accordance with subsections (3) and (4) of this Section; or

(b) such activity is approved by subsequent Act of the General Assembly.".

The Committee on Appropriations and Revenue reported **HB 533** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 533, AN ACT relating to school taxation.
WHEREAS, taxes imposed under the provisions of KRS 160.593 to 160.597, 160.601 to 160.633 and 160.635 to 160.648 were enacted by the general assembly to help finance an efficient system of common schools as mandated by Section 183 of the Kentucky Constitution; and
WHEREAS, these taxes are imposed only for school purposes; and
WHEREAS, it is the intent of this legislation to insure that only those utility or telephone subscribers benefiting from the school system are assessed the utility gross receipts tax;
NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:
Subscribers on federal areas which maintain a federally funded school system in lieu of sending dependent children to county schools will be exempt from the school taxes imposed under the provisions of KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648. Utilities or telephone companies will not be required to pay the utility gross receipts tax for services furnished to subscribers exempted under this provision.

The Committee on State Government reported **HCR 81** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HCR 81, A CONCURRENT RESOLUTION directing a study of the jurisdiction of standing committees of the General Assembly.
WHEREAS, the present structure of jurisdiction for standing committees of the General Assembly was drafted in 1967; and
WHEREAS, since such time the executive branch of state government has been reorganized thoroughly, and a revision of the judicial article of the Constitution has affected remarkably the judicial branch of said government; and

WHEREAS, in recent years many new matters of concern to the General Assembly have arisen which were largely unforseen in 1967;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Legislative Research Commission be directed to study the jurisdictional structure of the standing committees of the General Assembly, in Kentucky and elsewhere, with a view toward designing such structure in closer conformity with the organizational structure of Kentucky state government, in such instances where applicable.

Section 2. That the Legislative Research Commission shall report its findings and recommendations to the 1979 pre-session legislative conference.

Section 3. That the cost of such research is estimated to be $10,000.

The Committee on Public Utilities and Transportation reported **HB 254,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 254, AN ACT relating to operator's licenses

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.414 is amended to read as follows:

Applications for renewal licenses shall be according to the following schedule:

(1) Persons whose family names begin with the letters "A" through "K" inclusive, shall before August 1, 1958, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1960, and shall be renewed every two (2) *or every five (5)* years, *as the applicant may elect,* during the applicant's birth month thereafter.

(2) Persons whose family names begin with the letters "L" through "Z" inclusive shall, before August 1, 1959, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1961, and shall be renewed every two (2) *or every five (5)* years, *as the applicant may elect,* during the applicant's birth month thereafter.

(3) Any person who is a resident of this state and who has obtained an operator's license in the manner provided for in this chapter, which has not been canceled, suspended or revoked for any reason provided for in this chapter, and who is in the active service of the armed forces of the United States shall, upon written application to the circuit court clerk of the county in which he resides, be granted an extension of his operator's license beyond the periods set forth in subsections (1) and (2) of this section. Upon application the circuit court clerk shall issue to the applicant a written certification of operator's license extension. The extension so granted shall be effective so long as the applicant is an active member of the armed forces or six (6) years from the date of the application whichever is less.

(4) The procedure for renewing or extending a motorcycle operator's license shall be the same as required by this section for other operator's licenses. A motorcycle operator's license shall be renewed in the same manner as an operator's license.

Section 2. KRS 186.531 is amended to read as follows:

(1) The cost of operator's licenses, motorcycle operator's license and permits shall be as follows:

(a) The fee for any original or *two (2)* renewal license, including motorcycle operator's license, shall be $4.00, except that the fee for a combination motor vehicle-motorcycle operator's license shall be $7.00;

(b) *The fee for a five (5) year renewal license, including motorcycle operator's license, shall be $10.00, except that the fee for a combination motor vehicle-motorcycle operator's license shall be $17.50;*

(c) The fee for any instruction permit shall be fifty cents plus fifty cents (50¢) for preparing and acknowledging such application;

(d) [(c)] The fee for a duplicate license shall be $2.00; and

(e) [(d)] The fee for a non-driver's identification card shall be $2.00.

(2) The circuit clerk shall deposit in the state treasury to the credit of the general fund except as provided in subsection (f) fees pertaining to applications and license fees in the following manner:

(a) One dollar and seventy-five cents ($1.75) of any original and renewal license, except that the fee for a combination motor vehicle-motorcycle operator's license shall be $3.00;

(b) Fifty cents (50¢) for issuance of any instruction permit;

(c) Fifty cents (50¢) for preparing and acknowledging an application for an instruction permit;

(d) One dollar and twenty-five cents ($1.25) for preparing and acknowledging an application for a duplicate;

(e) One dollar and twenty-five cents ($1.25) for each non-driver's identification card; and

(f) For each original, renewal, duplicate license and non-driver's identification card, fifty cents (50¢) shall be credited to a special account within the state road fund and shall be used by the department of transportation exclusively for the purpose of issuing a photo license.

(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the department of transportation.

(4) The photo licenses shall be in use and the procedures prescribed by KRS 186.412 and 186.413 shall be fully implemented by January 1, 1975.

The Committee Substitute to **HB 254** is as follows:

HB 254, AN ACT relating to operator's licenses

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.531 is amended to read as follows:

(1) The cost of operator's licenses, motorcycle operator's license and permits shall be as follows:

(a) The fee for any *two-year* original or renewal license, including motorcycle operator's license, shall be four dollars ($4), except that the fee for a combination motor vehicle-motorcycle operator's license shall be seven dollars ($7). *The fee for any four-year original or renewal license, including motorcycle operator's license, shall be eight dollars ($8), except that the fee for a four-year combination motor vehicle-motorcycle operator's license shall be fourteen dollars ($14);*

(b) The fee for any instruction permit shall be fifty cents plus fifty cents (50¢) for preparing and acknowledging such application;

(c) The fee for a duplicate license shall be $2.00; and

(d) The fee for a non-driver's identification card shall be $2.00.

(2) The circuit clerk shall deposit in the state treasury to the credit of the general fund except as provided in subsection (f) fees pertaining to applications and license fees in the following manner:

(a) One dollar and seventy-five cents ($1.75) of any original and renewal license, except that the fee for a combination motor vehicle-motorcycle operator's license shall be $3.00;

(b) Fifty cents (50¢) for issuance of any instruction permit;

(c) Fifty cents (50¢) for preparing and acknowledging an application for an instruction permit;

(d) One dollar and twenty-five cents ($1.25) for preparing and acknowledging an application for a duplicate;

(e) One dollar and twenty-five cents ($1.25) for each non-driver's identification card; and

(f) For each *two-year* original *or* [,] renewal [, duplicate] license [and non-driver's identification card], fifty cents (50¢) *or for each four-year original or renewal license one dollar ($1)* shall be credited to a special account within the state road fund and shall be used by the department of transportation exclusively for the purpose of issuing a photo license.

(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the department of transportation.

(4) The photo licenses shall be in use and the procedures prescribed by KRS 186.412 and 186.413 shall be fully implemented by January 1, 1975.

Section 2. KRS 186.535 is amended to read as follows:

(1) From the fee for each *two-year* original or renewal operator's license, twenty-five cents (25¢) shall be credited to a special account within the road fund, and shall be used exclusively by the department of transportation for the purpose of expanding the state driver education program, and twenty-five cents (25¢) shall be paid to the fiscal court of the county where the drivers license is issued to be used by the fiscal court for county road purposes.

(2) From the fee for each four-year original or renewal operator's license, fifty cents (50¢) shall be credited to a special account within the road fund, and shall be used exclusively by the department of transportation for the purpose of expanding the state driver education program, and fifty cents (50¢) shall be paid to the fiscal court of the county where the driver's license is issued to be used by the fiscal court for county road purposes.

SECTION 3. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Persons whose family names begin with the letters "A" through "K" inclusive and whose operator's, motorcycle or combination license expires during calendar year 1979 or calendar year 1980 shall, during the expiration month, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a two-year renewal license, which will expire on his birth month in the year 1981 or 1982, as the case may be, and shall be renewed every four (4) years thereafter during the applicant's birth month. The fee for the two-year renewal license issued in 1979 or 1980 shall be four dollars ($4), except that the fee for a combination motor vehicle-motorcycle operator's license shall be seven dollars ($7). Thereafter, the renewal license fee shall be according to the schedule set forth in KRS 186.531.

(2) Persons whose family names begin with the letters "L" through "Z" inclusive and whose operator's, motorcycle or combination license expires during calendar year 1979 or calendar year 1980 shall, during the expiration month, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a four-year renewal license, which will expire on his birth month in the year 1983, or 1984, as the case may be, and shall be renewed every four (4) years thereafter during the applicant's birth month. The fee for the four-year renewal license shall be according to the schedule set forth in KRS 186.531.

(3) Except as otherwise provided for in subsection (1) of this section, on and after January 1, 1979, all original and renewal operator's, motorcycle and combination licenses shall be renewed every four (4) years during the applicant's birth month.

Section 4. KRS 281.726 is amended to read as follows:

(1) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof has obtained a certificate of the department of transportation to the effect that the driver or chauffeur has met its requirements with respect to his health, vision, sobriety, intelligence, care, ability and experience. Certificates shall expire in the same month as the expiration date of the applicant's operator's license issued pursuant to KRS 186.410.

(2) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof is at least eighteen (18) years of age.

(3) The circuit clerk of each county shall:

(a) Act for the department of transportation for the purpose of issuing certificates and badges referred to in subsections (1) and (4) of this section;

(b) Issue a certificate, when he has determined that the applicant has fully complied with the law governing applications;

(c) Report to the department of transportation not later than the week following that in which the certificates were issued;

(d) Keep adequate records of all moneys collected and remitted to the department of revenue;

(e) Keep in his office at all times available to the department of transportation a record of all certificates issued in his county.

(4) The cost of the certificate shall be as follows: if the applicant's operator's license expires within six (6) months or less, $1.00; if within seven (7) to twelve (12) months, $2.00; if within thirteen (13) to eighteen (18) months, $3.00; and if within nineteen (19) to twenty-four (24) months, $4.00*; if within twenty-five (25) to thirty (30) months, $5.00; if within thirty-one (31) to thirty-six (36) months, $6.00; if within thirty-seven (37) to forty-two (42) months, $7.00; if within forty-three (43) to forty-eight (48) months, $8.00*. These costs shall be paid into the state treasury and credited to the state road fund. The holder of such a certificate, at all times when operating a motor vehicle for hire, shall have the certificate in his possession indicating that he is a certified driver or chauffeur.

(5) The department may, for good cause, upon complaint or upon its own motion revoke or suspend any such certificate, and said person shall be entitled to a hearing before the department of transportation.

Announcements (continued)

Representative B. Richardson moved that when the House adjourns, it do so until 2:00 p.m. on March 8, 1978. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so by voice vote. Agreed.

Representative B. Richardson moved that no other business be conducted on this day other than enrolling of Bills and Resolutions, filing of amendments, Committee Reports, and general duties of the Clerk. Agreed.

Recess

Representative B. Richardson moved that the House recess for a meeting of the Committee on Rules. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Announcements (continued)

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

Floor Amendments Nos. 1 and 2 to **HB 13** by Representative Bendl.

Floor Amendment No. 17 to Committee Substitute for **HB 87** by Representatives Holbrook and Cyrus.

Floor Amendment No. 18 to Committee Substitute for **HB 87** by Representative Romines.

Floor Amendment No. 19 to Committee Substitute for **HB 87** by Representative DeFalaise.

Floor Amendment No. 20 to Committee Substitute for **HB 87** by Representative Van Horn.

Floor Amendments Nos. 21, 22, and 23 to Committee Substitute for **HB 87** by Representative Beshear.

Floor Amendment No. 24 to Commitee Substitute for **HB 87** by Representative O'Brien.

Floor Amendment No. 7 to **HB 216** by Representative Craddock.

Floor Amendments Nos. 1 and 2 to Committee Substitute for **HB 229** by Representative Dawahare.

Floor (Title) Amendment and Floor Amendment No. 1 to **HB 293** by Representative Donnermeyer.

Floor Amendment No. 1 to **HB 312** by Representative Donnermeyer.

Floor Amendment No. 1 to **HB 331** by Representative Fitzgerald.

Floor Amendment No. 1 to Committee Substitute for **HB 339** by Representative Clarke.

Floor Amendment No. 1 to **HB 497** by Representative Bendl.

Floor Amendment No. 4 to Committee Substitute for **HB 546** by Representative Dawahare.

Floor Amendment No. 1 to **HB 566** by Representative Hines.

Floor Amendment No. 1 to **HB 569** by Representative Schmidt.

Floor Amendment No. 2 to **HB 661** by Representative B. Richardson.

Floor Amendment No. 1 to **HB 675** by Representative O'Brien.

Floor Amendment No. 1 to **HB 683** by Representative Bennett.

Floor Amendments Nos. 2 and 3 to Committee Substitute for **HB 686** by Representative McNutt.

Floor Amendment No. 4 to Committee Substitute for **HB 686** by Representative Adams.

Floor Amendment No. 4 to **HB 717** by Representative Kenton.

Floor Amendment No. 1 to **SB 102** by Representative Deskins.

Floor Amendment No. 1 to **SB 209** by Representative Beshear.

Floor Amendment No. 2 to **SB 348** by Representative Clarke.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 69, SB 79, SB 123** and **HB 257** had been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Resolution has been posted for Committee consideration:

Health and Welfare: **HCR 92.**

The Speaker vacated the Chair.

Representative Mann presiding.

Report of Committees

The Committee on Rules reported **HB 319, HB 607, HB 651** have been posted for passage in Consent Orders of the Day, March 8, 1978.

The Committee on Rules reported **HB 289, HB 514, HB 312, HB 349, HB 526, HB 17, HB 107, HB 317, HB 347, HB 476, HB 546, HB 611, HB 713, HB 718, HB 735, HB 760, HB 766, HB 332, HCR 99, HCR 83, HCR 84, HCR 54, SB 184** have been posted for passage in Orders of the Day, March 8, 1978.

The Committee on Rules reported that **HB 400** has been recommitted to the Committee on Appropriations and Revenue and **HB 694** has been recommitted to the Committee on Agriculture and Natural Resources.

Adjournment

Representative Donnermeyer moved that the House adjourn until 2:00 p.m., Wednesday, March 8, 1978.

The motion to adjourn was adopted by voice vote.

WEDNESDAY, March 8, 1978

FIFTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend J. Terry Wilder, Cecilia Baptist Church, Cecilia, Kentucky.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 7, 1978, be dispended with and the same approved. Agreed.

Senate Message

Announcing passage of **SB 255, SB 273, SB 299, SB 324, SB 346, SB 353, SR 39, HB 98** with amendments, **HB 25** with amendment, **HB 129** with amendment, and **HB 215** with amendment.

Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HCR 116.**

Business Organizations and Professions: **HCR 117.**

Health and Welfare: **HB 776.**

Judiciary-Statutes: **HCR 123.**

State Government: **HR 118, HR 120, HR 121, HCR 122.**

Report of Committees

The Committee on Education reported **HCR 67, SB 13, SB 28, SB 47,** and **HB 568** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HCR 67, A CONCURRENT RESOLUTION directing a study of the educational programs for exceptional education and vocational education.

WHEREAS, it is the policy of the Commonwealth of Kentucky to meet the state's needs for exceptional children and vocational education by providing appropriate programs through the Foundation Programs; and

WHEREAS, by 1980 the Commonwealth of Kentucky will be funding these programs at an amount approaching one hundred million dollars; and

WHEREAS, the rise in cost to the state of providing special and vocational education programs continues to accelerate; and

WHEREAS, in spite of increased state funding for special and vocational education programs, there continue to be unmet needs; and

WHEREAS, local school officials allege that state financing for special and vocational education programs is inadequate;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to conduct a comprehensive study of the education programs for exceptional children and vocational education in the state. The study shall include but not necessarily be limited to the following:

(1) A detailed description of how services are presently being provided across the state;
(2) An analysis of the costs of current practices;
(3) Senate and federal statutory, regulatory and judicial requirements;
(4) An assessment of the extent need is being met; and
(5) An assessment of the adequacy of financing.

Section 2. The study shall be completed and the results and recommendations reported to the Interim Joint Committee on Education, and the Interim Joint Committee on Appropriations and Revenue not later than June 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $24,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the commission.

SB 13, AN ACT relating to the suspension and expulsion of pupils.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.150 is amended to read as follows:

(1) All pupils admitted to the common schools shall comply with the lawful regulations for the government of the schools. Wilful disobedience or defiance of the authority of the teachers *or administrators, use of* [habitual] profanity or vulgarity, *assault or battery or abuse of other students or school personnel, the threat or force of violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property, the carrying or use of weapons or dangerous instruments,* or other *incorrigible bad conduct on school property as well as off school property at school sponsored activities* [gross violation of propriety or law] constitutes cause for suspension or expulsion from school.

(2) A pupil shall not be suspended from the common schools until after at least the following due process procedures have been provided:

(a) The pupil has been given oral or written notice of the charge or charges against him which constitute cause for suspension;

(b) The pupil has been given an explanation of the evidence of the charge or charges if the pupil denies them; and

(c) The pupil has been given an opportunity to present his own version of the facts relating to the charge or charges.

These due process procedures shall precede any suspension from the common schools unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing academic process. In such cases, the due process procedures outlined above shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

(3) The superintendent, principal or head teacher of any school may suspend a pupil [for such misconduct,] but shall report such action in writing immediately to the superintendent *and to the parent, guardian or other person having legal custody or control of the pupil.* The board of education of any school district may expel any pupil for misconduct as defined in *subsection (1)* [this section], but such action shall not be taken until the parent, guardian or other person having legal custody or control of the pupil has had an opportunity to have a hearing before the board. The decision of the board shall be final.

SB 28, AN ACT relating to the common schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.180 is amended to read as follows:

(1) Each teacher *and administrator* in the public schools shall *in accordance with the rules, regulations and bylaws of the board of education made and adopted pursuant to KRS 160.290 for the conduct of pupils,* hold pupils to a strict account for their conduct *on* [in] school *premises,* on the way to and from school, *and on school sponsored trips and activities* [on the playgrounds, in the lunchrooms and cafeterias, and during intermission or recess].

(2) The various boards of education of the commonwealth of Kentucky, and the principals of the public schools, may use teacher's aides in supervisory capacities, such as playground supervision, hallway supervision, lunchroom and cafeteria supervision, and other like duties, including, but not limited to, recreational activities and athletic events, relating to the supervision and control of the conduct of the pupils;

and while so engaged, such teacher's aides shall have the same authority and responsibility as is granted to and imposed by law upon teachers in the performance of the same or similar duties.

SB 47, AN ACT relating to elementary and secondary education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.200 is amended to read as follows:

(1) "Exceptional children" means persons under twenty-one (21) years of age who differ in one or more respects from average or normal children in physical, mental, learning, emotional or social characteristics and abilities to such a degree that they need special educational programs or services for them to benefit maximally from the regular or usual facilities or educational programs of the public schools in the districts in which they reside; or, those children who, because of their intellectual or creative abilities or potentialities, require special educational programs or services. These children include, but are not limited to, those children hereafter described in this section as well as the neurologically impaired, visually impaired, hearing impaired and the retarded. The department of education, through regulations endorsed by the state board *for elementary and secondary* [of] education, shall interpret the statutory definitions of exceptionality. An exceptionality is any trait so defined in KRS 157.200 or stipulated in the regulations of the state department of education. Requirements of average daily attendance for exceptional classes will be regulated by statute, or in the absence of such direction by departmental regulations endorsed by the state board *for elementary and secondary* [of] education. Categories of exceptionalities included within, but not limited by, this definition are as follows:

(a) "Physically handicapped children" means children who suffer from any physical disability making it impracticable or impossible for them to benefit from or participate on a full-time basis in the normal classroom program of the public schools in the school district in which they reside and whose intellectual development is such that they are capable of being educated through a modified educational program;

(b) "Children with communication disorders" means those children who evidence disorders in hearing, language, or speech;

(c) "Educable mentally handicapped children" means children who because of retarded intellectual development, as determined by recognized standardized tests, are incapable of being educated profitably and efficiently through ordinary classroom instruction but whose intellectual ability would indicate a degree of scholastic attainment with the benefit of special educational methods, materials, and facilities;

(d) "Trainable mentally handicapped children" are mentally handicapped children who, because of retarded intellectual development, are incapable of being educated properly and efficiently through ordinary classroom instruction or special education facilities for educable mentally handicapped children, but who may be expected to benefit from training in a group setting designed to further their social adjustment and economic usefulness;

(e) "Children with learning disabilities" are those children who have a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage;

(f) "Emotionally disturbed children" means those children who exhibit a variety of excessive chronic, deviant, inappropriate, persistent behaviors ranging from impulsive and aggressive to depressive and withdrawal acts which cause the child's placement to be detrimental to his educational progress, dangerous to his health or safety, or disruptive to the program for other children;

(g) "Multiple handicapped children" are those children who have a combination of two (2) or more moderate to profound handicaps which produce serious learning, developmental, or behavioral emotional problems. These handicaps prohibit or seriously limit progress in a regular or special education program designed to accommodate children with a single handicap;

(h) "Intellectually gifted or talented children" means children who possess demonstrated abilities or measured potential that provides evidence of high performance capability in areas such as intellectual or creative ability who need special education services in order to realize these potentialities.

(2) "Special educational facilities" means special schools, special classes, and special instruction.

(3) "Related services" means *such developmental, corrective and other supportive services as are required to assist a handicapped child to benefit from special education, and includes psychological services, physical and occupational therapy, physical education, early identification and assessment of disabilities in children, counseling services and medical services for diagnostic or evaluation purposes* [those educational

services for the exceptional child and his family that ordinarily cannot be delivered through the public educational system].

Section 2. KRS 157.220 is amended to read as follows:

(1) The state department of education is hereby designated as the agency for cooperation with the state and federal governments, the approved treatment centers and local schools of Kentucky in carrying out the provisions of KRS 157.200 to KRS 157.280. The state board *for elementary and secondary* [of] education shall make necessary rules and regulations in keeping with the provisions of KRS 157.200 to KRS 157.280 for their proper administration, including but not limited to establishment of classes, eligibility and admission of pupils, the curriculum, class size limitations, housing, special equipment and instructional supplies.

(2) The state department of education is authorized to receive contributions and donations that may be made to carry out the provisions and requirements of KRS 157.200 to KRS 157.280.

(3) Local supervision of special educational facilities for exceptional children shall be approved by the *bureau of education for exceptional children* [division of special education] according to rules and regulations approved by the state board *for elementary and secondary* [of] education.

Section 3. KRS 157.221 is amended to read as follows:

(1) The state board *for elementary and secondary* [of] education shall create a "bureau of education for exceptional children" in the state department of education, separate from any other existing bureau, to supervise and direct a state program for exceptional children of this Commonwealth.

(2) The state board *for elementary and secondary* [of] education shall establish appropriate divisions within the bureau of education for exceptional children. These divisions shall include, but not be limited to, the following five (5) divisions: learning disabilities, communication disorders, mental retardation, physically handicapped, and emotionally disturbed.

(3) It shall be the duty of this bureau to recommend rules and regulations for adoption by the state board of education, and generally carry out the program provided for in KRS 157.200 to *157.290* [157.305], 157.360, and 167.210 to 167.240.

(4) This bureau shall have an assistant superintendent of public instruction and necessary assistants appointed by the superintendent of public instruction. No person shall be employed as assistant superintendent of public instruction of the bureau of education for exceptional children who does not hold a master's degree in education, with emphasis in one or more areas of exceptionality. The assistant superintendent shall have had successful supervisory experience in the education of exceptional children. No person shall be employed as a director within the bureau of education for exceptional children who has not had thirty (30) or more semester hours of graduate work, at least twenty (20) hours of which shall have been in the education of one or more areas of exceptionality. The director shall have had successful teaching or supervisory experience in the education of exceptional children.

Section 4. KRS 157.224 is amended to read as follows:

(1) The Commonwealth of Kentucky is committed to providing a comprehensive educational program for its exceptional school age children. The bureau of exceptional children, through KRS 157.221, coordinates, directs, and monitors that program. State direction and implementation of a statewide exceptional education program is manifested in the biennial appropriation of funds to finance a particular number of such classroom units. The rate at which new exceptional units are funded indicates the state's ability to assure a quality educational opportunity for appropriate students in existing, locally operated, exceptional class units.

(2) All county and independent boards of education shall operate special education programs to the extent required by, and pursuant to, a plan which has been approved by the state board *for elementary and secondary* [of] education. If any county or independent board of education fails to operate and implement special education programs in accordance with an aforesaid plan, the application of said county or independent board of education for minimum foundation payments may be considered insufficient.

Section 5. KRS 157.230 is amended to read as follows:

[(1) If parents of as many as eight (8) trainable mentally handicapped children living in a school district desire special education classes for their children, school boards of any school district shall establish and maintain such classes, subject to any limitation specified in KRS 157.200 to 157.280 and regulations of the state board of education.

(2) School boards of any school district may, subject to any limitations specified in KRS 157.200 to 157.280, establish and maintain special educational programs for exceptional children who are residents of their school district, and such children, residents of other school districts, as may be authorized by KRS 157.240 to 157.295.

(3)] School boards of any school district may admit on preapproval and certification any [physically handicapped] child into special education programs at any time after the child has attained the age of three (3) years.

[(4) School boards of any school district may admit on proper approval and certification any educable or trainable mentally handicapped child into special education programs at any time after the child has attained the age of six (6) years; Provided, however, That educable and trainable mentally handicapped children shall not be enrolled in the same special class.]

Section 6. KRS 157.240 is amended to read as follows:

[(1)] No physically handicapped child shall be allowed special education facilities except upon a certified diagnosis of a physical defect by competent and appropriate professional authorities acceptable to the superintendent of public instruction.

[(2) The director of special education, upon the approval of the superintendent of public instruction, shall prescribe rules, regulations and tests for determining what children shall be classified as educable mentally handicapped or trainable mentally handicapped, and questionable cases shall be decided by the director after adequate examination and consideration of specific case histories.]

Section 7. KRS 157.280 is amended to read as follows:

(1) If the number of children of compulsory school age in one (1) classification of exceptionality in a district is not sufficient to justify a special education program for that exceptionality in that district, or if a school district does not provide a special education program for that exceptionality, the board shall provide a program by contract with another county or independent district or private organization that maintains a special education program approved by the state board *for elementary and secondary* [of] education for that exceptionality, the amount not to exceed the amount designated by the state department of education for a child of that particular exceptionality. When a district or private organization undertakes, under operation of a tuition contract or of law, to provide in its classes for these pupils residing in another district, the district of residence of these pupils shall share the total cost of the special education program in proportion to the number of pupils or in accordance with contract agreement between the two (2) districts or district and private organization.

(2) The school board of the school district in which any child resides shall pay for his transportation to and from the program in the other school district or to the private organization. [However, if the school board of the other district or the private organization providing the program also provides transportation, the cost of transportation shall be included in the total cost.]

(3) If a child [of compulsory school age] is admitted for *resident* instruction at the Kentucky School for the Deaf or the Kentucky School for the Blind, under regulation of the state board *for elementary and secondary* [of] education and under provisions of KRS 167.015 to 167.150, the district in which the child resides shall provide transportation to and from the school on a regularly scheduled basis, at intervals of no less than once each month while the child is enrolled, either by individual district or in cooperation with other school districts on a regional basis, as approved by the state board *for elementary and secondary* [of] education upon recommendation of the superintendent of public instruction. *Children admitted for non-resident instruction shall have transportation as provided by subsection (2) of this section.*

Section 8. KRS 157.285 is amended to read as follows:

Local boards of education may contract to provide "related services" to exceptional children [and their families] when the desired services are not available through a public or private agency.

Section 9. KRS 159.030 is amended to read as follows:

(1) The board of education of the district in which the child resides shall exempt from the requirement of attendance upon a regular public day school every child of compulsory school age:

(a) Who is a graduate from an accredited or an approved four (4) year high school; or

(b) Who is enrolled and in regular attendance in a private or parochial regular day school approved by the state board *for elementary and secondary* [of] education; or

(c) Whose physical or mental condition prevents or renders inadvisable attendance at school or application to study; or

(d) Who is enrolled and in regular attendance in state approved private or parochial school programs for exceptional children; or

(e) Who is enrolled and in regular attendance in a state supported program for exceptional children.

(2) Before granting an exemption under paragraph (c) of subsection (1) of this section the board of education shall require satisfactory evidence, in the form of a signed statement of a licensed physician, psychologist or psychiatrist, or public health officer, that the condition of the child prevents or renders inadvisable attendance at school or application to study. On the basis of such evidence the board may *exempt* [exclude] any such child from *compulsory attendance* [school]. *Any child who is excused from school attendance more than six (6) months must have two (2) signed statements from a combination of the following professional persons: a licensed physician, psychologist, psychiatrist, and health officer. Exemptions of all*

children under the provisions of subsection (1)(c) of this section must be reviewed annually with the evidence required being updated.

(3) For any such child who is excluded under the provisions of subsection (1)(c), home, hospital, institutional or other regularly scheduled and suitable instruction meeting standards, rules and regulations of the state board *for elementary and secondary* [of] education shall be provided.

Section 10. KRS 167.170 is amended to read as follows:

The state board *for elementary and secondary* [of] education shall alone have the power to expel a pupil from the Kentucky School for the Blind *and the Kentucky School for the Deaf.* [No officer or employe of the school shall be permitted to inflict corporal punishment upon any of the pupils.]

Section 11. KRS 167.210 is amended to read as follows:

As used in KRS 167.210 to 167.240, unless the context otherwise requires, "deaf-blind children" *are those children who have auditory and visual impairments, the combination of which causes such severe communication, developmental and educational problems that they cannot profit satisfactorily from educational programs provided solely for the visually handicapped child or for the hearing handicapped child* [includes any child whose combination of handicaps of deafness and blindness prevents him from profiting satisfactorily from educational programs provided for the blind child or the deaf child].

Section 12. KRS 167.220 is amended to read as follows:

(1) The state department of education is hereby authorized to expend available funds for the purpose of sending children who are deaf-blind to any facility, school or institution, within or without the commonwealth, which provides a qualified program of education for such children. Such funds may be spent for evaluation and diagnosis, room, board, tuition, transportation and other items which are necessarily relevant to the education of such children.

(2) Placement of such children, and coordination of their educational activities shall be approved by the superintendent of public instruction.

Section 13. KRS 157.295, 157.305, 159.050, 167.090, 167.100, 167.110, 167.120, 167.130, 167.230, and 167.990 are repealed.

HB 568, AN ACT relating to the council on higher education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 164.010 is amended to read as follows:

There shall be a council on [public] higher education in Kentucky, to be composed of the superintendent of public instruction, ten (10) lay members appointed by the governor, [and] the president or chief executive officer of each four-year state institution of higher education in the state, *a faculty representative elected by, and from the number of, the faculty regents or trustees of the four-year state public institutions of higher education no later than July 1, and a student member, who shall be enrolled as a full-time student at a state public institution of higher education, shall be a resident of the Commonwealth as determined by the residency guidelines of the council, and shall be selected annually in the following manner: not later than July 1 of each year the president of the student body of each four-year state public institution of higher education shall submit to the governor one (1) nominee; from this list of nominees, the governor shall appoint a student member.* The superintendent of public instruction, *the* [and] ten (10) lay members, *the faculty representative and the student representative* shall constitute the voting membership of the council. The lay members shall be appointed for regular terms of four (4) years, with the initial appointment of two (2) members for one (1) year, two (2) members for two (2) years, two (2) members for three (3) years, [and] four (4) members for four (4) years *and the faculty and student representatives shall serve a one (1) year term.* Any person, other than the superintendent of public instruction, *the faculty representative or the student representative,* holding either an elective or appointive state office or who is a member of the governing board of any state or private college or university in Kentucky shall be ineligible for membership or appointment on the council during his membership or term of office. When the council meets to consider curricula for teacher education, three (3) persons who are from accredited institutions of higher learning, and who have been appointed by the executive committee of the Kentucky association of colleges, secondary and elementary schools, shall be invited to meet with the council in an advisory capacity.

The Committee Amendment to **HB 568** is as follows:

Amend printed copy of **HB 568** on page 1, line 8, after a, insert the word "*non-voting*"

and on page 1, line 11, after a, insert the word "*non-voting*"

and on page 2, lines 1 and 2, delete "*the faculty representative and the student representative*"

The Committee on Highways and Traffic Safety reported **HB 581** and **HCR 49** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 581, AN ACT relating to motor vehicle equipment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

(1) It is the intent of this Act to prohibit the altering of a motor vehicle's suspension system or the removal of its bumpers so as to place the vehicle's fuel supply tank in a vulnerable position in the event of a rear end collision.

(2) Every motor vehicle which was originally equipped with bumpers as standard equipment shall be so equipped when operated upon a highway. The suspension system shall not be modified in a manner which renders the bumpers incapable of functioning as intended during the operation of a motor vehicle.

(3) No person shall modify the suspension system of a motor vehicle in a manner which will raise the front or rear bumper more than three (3) inches above the original manufactured bumper height for that vehicle. No person shall operate a motor vehicle which has been so modified.

Section 2. KRS 189.993 is amended to read as follows:

(1) Any person who violates KRS 189.045 shall be fined not less than $100 nor more than $1,000.

(2) Any person convicted of violating any of the provisions of KRS 189.095 shall be fined $50.00 and costs of prosecution.

(3) Any person who violates any provision of KRS 189.205 shall be fined not less than $10.00 nor more than $100.

(4) Any person, firm or corporation violating the provisions of KRS 189.275 shall be fined not less than $20.00 nor more than $100.

(5) Any person who violates any provision of KRS 189.375 shall be fined not less than $10.00 nor more than $100.

(6)(a) Any person who is not a handicapped person as prescribed in KRS 189.455 and who wilfully and falsely represents himself as having the qualifications to obtain such vehicle registration plates in an attempt to procure the special plates prescribed by KRS 189.455 shall be fined $50.00, and in default of payment, shall be imprisoned for not more than ten (10) days.

(b) Any person owning a vehicle bearing such vehicle registration plates, and not entitled to do so under the provisions of KRS 189.455, shall be fined $50.00, and in default of payment, shall be imprisoned for not more than ten (10) days.

(7) Any person who violates KRS 189.505 shall be fined not less than $50.00 nor more than $200 or be imprisoned for not more than thirty (30) days, or both.

(8) Any person who violates any of the provisions of subsection (1) of KRS 189.645 or subsection (4) of 189.730 shall be fined not less than $1.00 nor more than $100.

(9) Any person who violates any of the provisions of subsection (1) of KRS 189.651 shall be fined not less than $500 nor more than $5,000 or shall be confined in the penitentiary for not less than one (1) nor more than ten (10) years.

(10) Any person operating an official inspection station who violates any of the provisions of subsection (4) of KRS 189.651 shall have his permit revoked.

(11) Any person who violates any of the provisions of subsection (1) of KRS 189.655 or subsection (3) of KRS 189.651 shall be confined in the pentitentiary for not less than one (1) nor more than five (5) years.

(12) Any person who violates any of the provisions of subsection (3) of KRS 189.655 or subsection (2) of KRS 189.651 or subsection (3) of KRS 189.730 shall be fined not less than $100 nor more than $500.

(13) Any person found violating any provision of KRS 189.820 or 189.830 is guilty of a misdemeanor and shall be fined not less than $10.00 nor more than $25.00.

(14) Any person who violates KRS 189.920 shall be fined not less than $100 nor more than $1,000, or imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(15) Any person who violates KRS 189.930 shall be fined not less than $50.00 nor more than $500, or be imprisoned in the county jail for not more than thirty (30) days, or both.

(16) Any person who violates KRS 189.940 shall be fined not less than $50.00 nor more than $1,000 or be imprisoned in the county jail for not more than six (6) months, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(17) If a member of a regular or voluntary fire department or rescue squad violates any provisions of subsection (5) of KRS 189.940, he shall, in addition to any other penalty provided under KRS 189.990 or 189.993, be immediately dismissed from his membership or employment with the fire department or rescue squad and shall be disqualified from being employed by or being a member of any fire department or rescue squad in the commonwealth for a period of three (3) years. Upon conviction of a second offense he shall be permanently barred from employment or membership in any fire department, rescue squad, police department, or sheriff's office in the commonwealth, nor shall he be permitted to operate any public safety vehicle as defined in KRS 189.910.

(18) Any person who violates KRS 189.950 shall be fined not less than $100 nor more than $1,000 or be imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a privately owned vehicle, all lighting and other equipment used or installed in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(19) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be fined not less than $10.00 nor more than $100 for each offense.

(20) Any person who violates any of the provisions of Section 1 of this Act shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100) for each offense.

HCR 49, A CONCURRENT RESOLUTION requesting and petitioning Congress, the President of the United States, and the United States Department of Transportation to establish a program supported by Federal funds adequate to provide for the long-term resurfacing, restoration, rehabilitation, and maintenance of the Nation's Interstate Highway System.

WHEREAS, over 91 percent of the 42,500 mile Interstate Highway System is presently completed and open to traffic; and

WHEREAS, approximately 650 miles of Interstate highways are presently completed and open to traffic in Kentucky; and

WHEREAS, it has been estimated to cost over $18 billion over the next 20 years to resurface, restore, and rehabilitate the presently completed Interstate System throughout the Nation; and

WHEREAS, Kentucky is expected to be burdened with over $350 million in needed repairs on its presently completed Interstate System over the next 20 years; and

WHEREAS, the Federal Government presently provides nationally only $175 million a year in Federal funds for Interstate rehabilitation; and

WHEREAS, due to the squeeze of lagging state highway revenues and climbing highway construction costs, Kentucky and other states will be hard-pressed to meet future Interstate repair and maintenance needs without major Federal assistance; and

WHEREAS, the adequate preservation and maintenance of the Interstate Highway System should be of substantial national concern;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the United States Department of Transportation, upon the mandate and direction of Congress and the President of the United States, forthwith establish a comprehensive program for the long-term resurfacing, restoration, rehabilitation, and maintenance of the Nation's Interstate Highway System, providing maximum flexibility to the states in determining their individual future Interstate repair and maintenance needs, and that such program be fully funded so as to insure the future adequacy and integrity of the entire Interstate System.

Section 2. That copies of this Resolution, upon its passage, be transmitted to all members of the Kentucky Congressional Delegation, the President of the United States, and the Secretary of the United States Department of Transportation.

The Committee on Labor and Industry reported **HB 703, HB 721,** with Committee Amendment attached thereto, **HB 759,** with Committee Amendment attached thereto, **SB 191** and **SB 224** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 703, AN ACT relating to occupational safety and health of employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) Except as provided in this Act, no person shall enter or work in a utility manhole until it has been established by tests that the manhole is free from toxic or explosive concentrations.

(2) Whenever tests indicate that a utility manhole contains toxic or explosive concentrations, the manhole shall be ventilated to reduce and maintain the concentrations at safe levels before any person shall enter the manhole. Tests shall be repeated as necessary to assure the maintenance of the concentrations at safe levels. In the event emergency or other unusual conditions require immediate entry into contaminated or untested utility manholes, each person entering the manhole shall wear respiratory protection of a type approved by the U.S. Bureau of Mines for the exposure.

SECTION 2. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) Whenever a utility manhole is entered or worked in, at least two (2) persons shall be present at all times. One (1) of the two (2) persons shall be responsible for the surveillance of the manhole to afford immediate action in the event of an emergency. The individual responsible for surveillance may perform other duties provided the other duties do not interfere with his surveillance responsibilities.

(2) The individual who is responsible for the surveillance set forth in subsection (1) of this section shall be trained in the administration of first aid so as to meet the minimum requirements prescribed by the American National Red Cross for completion of its standard course of first aid and personal safety.

SECTION 3. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall prohibit the employer from subcontracting for the performance of the surveillance as set forth in Section 2 of this Act.

HB 721, AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.035 is amended to read as follows:

(1) All fees and charges under KRS 342.020 shall be fair and reasonable, shall be subject to regulation by the board and shall be limited to such charges as are reasonable for similar treatment of injured persons of a like standard of living in the same community and where such treatment is paid for by the injured person himself. In determining what fees are reasonable, the board may also consider the increased security of payment afforded by this chapter.

(2) *The board shall cause to be published at least annually and shall enforce a schedule of usual and customary fees for medical services rendered. The board may, at its discretion, prepare and establish schedules limited to defined localities.*

(3) Where such requirements are furnished by a public hospital or other institution, payment thereof shall be made to the proper authorities conducting it. No compensation shall be payable for the death or disability of an employe if his death is caused, or if and insofar as his disability is aggravated, caused or continued, by an unreasonable failure to submit to or follow any competent surgical treatment or medical aid or advice.

The Committee Amendment to **HB 721** is as follows:

Amend printed copy of **HB 721** on page 1, line 13, by deleting "*and shall enforce*"

HB 759, AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.990 is amended to read as follows:

(1) Any employer subject to this chapter who refuses or willfully neglects to make the report required by KRS *342.038 or 342.340 or any person who violates KRS 342.040 and 342.630* [342.330] shall be fined not *less than fifty dollars ($50.00) nor more than five hundred dollars ($500)* [more than twenty-five dollars ($25.00)] for each offense.

(2) Any person who violates KRS 342.335 [, 342.040, and 342.630] shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not less than ten nor more than ninety days.

(3) Any person who violates subsection (2) of KRS 342.400 shall be fined not less than fifty dollars nor more than two hundred dollars [or imprisoned for not less than ten nor more than ninety days].

(4) Any employer who violates KRS 342.420 shall be fined not more than one hundred dollars for each offense.

(5) Any person who violates any of the provisions of KRS 342.445 to 342.475 shall be fined not less than one hundred dollars nor more than one thousand dollars [or imprisoned for not less than ten nor more than ninety days, or both].

(6) Any legal process to invoke the penalties of this provision shall be brought in Franklin Circuit Court by the workmen's compensation board or the director. Process may be issued to any county of the state and service may be achieved as in civil actions.

The Committee Amendment to **HB 759** is as follows:

Amend printed copy of **HB 759** on page 2, line 5, by deleting "*Franklin Circuit Court*" and by inserting in lieu thereof: "*the appropriate circuit court*"

SB 191, AN ACT relating to consumer protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

For purposes of this Act unless the context requires otherwise:

(1) "Negative option plan" means a contractual plan or arrangement under which a seller periodically sends to subscribers an announcement which identifies merchandise (other than annual supplements to previously acquired merchandise) it proposes to send to subscribers to such plan, and the subscribers thereafter receive and are billed for the merchandise identified in each such announcement, unless by a date or within a time specified by the seller with respect to each such announcement the subscribers, in conformity with the provisions of such plan, instruct the seller not to send the identified merchandise.

(2) "Subscriber" means any person who has agreed to receive the benefits of, and assume the obligations entailed in, membership in any negative option plan and whose membership in such negative option plan has been approved and accepted by the seller.

(3) "Contract-complete subscriber" refers to a subscriber who has purchased the minimum quantity of merchandise required by the terms of membership in a negative option plan.

(4) "Promotional material" refers to an advertisement containing or accompanying any device or material which a prospective subscriber sends to the seller to request acceptance or enrollment in a negative option plan.

(5) "Selection" refers to the merchandise identified by a seller under any negative option plan as the merchandise which the subscriber will receive and be billed for, unless by the date, or within the period, specified by the seller the subscriber instructs the seller not to send such merchandise.

(6) "Announcement" refers to any material sent by a seller using a negative option plan in which the selection is identified and offered to subscribers.

(7) "Form" refers to any form which the subscriber returns to the seller to instruct the seller not to send the selection.

(8) "Return date" refers to a date specified by a seller using a negative option plan as the date by which a form must be received by the seller to prevent shipment of the selection.

(9) "Mailing date" refers to the time specified by a seller using a negative option plan as the time by or within which a form must be mailed by a subscriber to prevent shipment of the selection.

SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) In connection with the sale, offering for sale, or distribution of goods and merhcandise in "trade" or "commerce" as defined by KRS 367.110(2), it is an unfair, false, misleading and deceptive practice as prohibited by KRS 367.170 for a seller in connection with the use of any negative option plan to fail to comply with the requirements of this Act.

(2) All of the remedies, powers and duties provided for the attorney general by the consumer protection act appertaining to acts declared unlawful by KRS 367.170 shall apply with equal force and effect to acts or practices declared unlawful by this Act.

(3) This Act shall not be construed to limit or restrict the exercise of powers or the performance of the duties of the attorney general which he is authorized to exercise or perform under any other provision of law.

SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) In connection with the use of any negative option plan, promotional material shall clearly and conspicuously disclose the material terms of the plan, including:

(a) That aspect of the plan under which the subscriber must notify the seller, in the manner provided for by the seller, if he does not wish to purchase the selection;

(b) Any obligation assumed by the subscriber to purchase a minimum quantity of merchandise;

(c) The right of a contract-complete subscriber to cancel his membership at any time;

(d) Whether billing charges will include an amount for postage and handling;

(e) A disclosure indicating that the subscriber will be provided with at least ten (10) days in which to mail any form, contained in or accompanying an announcement identifying the selection, to the seller;

(f) A disclosure that the seller will credit the return of any selections sent to a subscriber, and guarantee to the postal service or the subscriber postage to return such selections to the seller when the announcement and form are not received by the subscriber in time to afford him at least ten (10) days in which to mail his form to the seller;

(g) The frequency with which the announcements and forms will be sent to the subscriber, and the maximum number of announcements and forms which will be sent to him during a 12-month period.

(2) In connection with the use of any negative option plan, prior to sending any selection, the seller shall mail to its subscribers, within the time specified by subsection (3) of Section 3 of this Act:

(a) An announcement identifying the selection;

(b) A form, contained in or accompanying the announcement, clearly and conspicuously disclosing that the subscriber will receive the selection identified in the announcement unless he instructs the seller that he does not want the selection, designating a procedure by which the form may be used for the purpose of enabling the subscriber so to instruct the seller, and specifying either the return date or the mailing date.

(3) The seller shall mail the announcement and form either at least twenty (20) days prior to the return date or at least fifteen (15) days prior to the mailing date, or provide a mailing date at least ten (10) days after receipt by the subscriber, provided, however, that whichever system the seller chooses for mailing the announcement and form, such system must provide the subscriber with at least ten (10) days in which to mail his form.

SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) No seller in connection with the use of a negative option plan shall refuse to credit, for the full invoiced amount thereof, the return of any selection sent to a subscriber, and to guarantee to the postal service or the subscriber postage adequate to return such selection to the seller, when:

(a) The selection is sent to a subscriber whose form indicating that he does not want to receive the selection was received by the seller by the return date or was mailed by the subscriber by the mailing date;

(b) Such form is received by the seller after the return date, but has been mailed by the subscriber and postmarked at least three days prior to the return date;

(c) Prior to the date of shipment of such selection, the seller has received from a contract-complete subscriber, a written notice of cancellation of membership adequately identifying the subscriber; however, this provision is applicable only to the first selection sent to a cancelling contract-complete subscriber after the seller has received written notice of cancellation. After the first selection shipment, all selection shipments, thereafter are deemed to be unsolicited as defined in KRS 365.710;

(d) The announcement and form are not received by the subscriber in time to afford him at least ten (10) days in which to mail his form.

(2) Fail to notify a subscriber known by the seller to be within any of the circumstances set forth in subsection (1) of Section 4 of this Act, that if the subscriber elects, the subscriber may return the selection with return postage guaranteed and receive a credit to his account.

(3) Refuse to ship within four weeks after receipt of an order merchandise due subscribers as introductory and bonus merchandise, unless the seller is unable to deliver the merchandise originally offered due to unanticipated circumstances beyond the seller's control and promptly makes a reasonably equivalent alternative offer. However, where the subscriber refuses to accept alternatively offered introductory merchandise, but instead insists upon termination of his membership due to the seller's failure to provide the subscriber with his originally requested introductory merchandise, or any portion thereof, the seller must comply with the subscriber's request for cancellation of membership, provided the subscriber returns to the seller any introductory merchandise which already may have been sent him.

(4) Fail to terminate promptly the membership of a properly identified contract-complete subscriber upon his written request.

(5) Ship, without the express consent of the subscriber, substituted merchandise for that ordered by the subscriber.

SB 224, AN ACT relating to consumer protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context requires otherwise:

(1) "Club" means any health club, social referral club, buying club, or dance studio.

(2) "Contract" means any agreement by which one becomes a member of a club.

(3) "Health club" means any corporation, partnership, unincorporated association or other business enterprise organized for profit having the primary purpose of engaging in instruction, training, encouragement or assistance in physical fitness, body building, exercising, reducing, figure development or any other such activities, or furnishing the use of facilities for such activities.

(4) "Social referral club" means any corporation, partnership, unincorporated association or other business enterprise organized for profit with the primary purpose of matching members of the opposite sex, by the use of computer or any other means, to facilitate dating or general social contact.

(5) "Buying club" means any person or persons, corporation, unincorporated association, or other organization which for a consideration provides or purports to provide its members or the members of any other buying club with the ability to purchase goods or services at discount prices; except that such organization shall not include any buying club in which persons receive discount buying services incidentally as part of a package of services provided to, or available to, such individuals on account of membership in such organization which is not organized for the profit of any person or corporation and which does not have as one of its primary purposes or businesses the provision of discount buying services.

(6) "Dance studio" means any corporation, partnership, unincorporated association or other business enterprise organized for profit with the primary purpose of engaging in instruction, training, encouragement or assistance in dancing.

(7) "Member" or "membership" means a status by which any natural person is entitled to any of the benefits of a club.

(8) "Prepayment" means any payment over $25 for service or merchandise made before the service is rendered or the merchandise is received. It is not a prepayment if a payment for service is made on the same day the service is rendered. Money received by a club from a financial institution upon assignment of a contract shall be considered prepayment when and to the extent the member is required to make prepayments to the financial institution pursuant to the contract.

SECTION 2. A NEW SECTION OF KRS 367 IS CREATED TO READ AS FOLLOWS:

Any person who has elected to become a member of a club may cancel such membership by giving written notice of cancellation any time before midnight of the fifth business day following the date on which membership was attained. Notice of cancellation may be given personally or by mail. If given by mail, the notice is effective upon deposit in a mailbox, properly addressed and postage prepaid. Notice of cancellation need not take a particular form and is sufficient if it indicates, by any form of written expression, the intention of the member not to be bound by the contract. Cancellation shall be without liability on the part of the member and the member shall be entitled to a refund, within ten (10) days after notice of cancellation is given, of the entire consideration paid for the contract. Rights of cancellation may not be waived or otherwise surrendered.

Section 3. A NEW SECTION OF KRS 367 IS CREATED TO READ AS FOLLOWS:

(1) A copy of every contract shall be delivered to the member at the time the contract is signed. Every contract must be in writing, must be signed by the member, must designate the date on which the member signed the contract and must state, clearly and conspicuously in bold face type of a minimum size of fourteen points, the following:

"MEMBERS' RIGHT TO CANCEL"

"If you wish to cancel this contract, you may cancel by delivering or mailing a written notice to the company. The notice must say that you do not wish to be bound by the contract and must be delivered or mailed before midnight of the fifth business day after you sign this contract. The notice must be delivered or mailed to (insert name and mailing address of company). If you cancel, the club is required to return within ten days of the date on which you give notice of cancellation, any payments you have made."

(2) Every contract which does not contain the notice specified in subsection (1) may be cancelled by the member at any time by giving notice of cancellation by any means.

SECTION 4. A NEW SECTION OF KRS 367 IS CREATED TO READ AS FOLLOWS:

No contract shall be valid for a term longer than eighteen (18) months from the date upon which the contract is signed. The duration of the contract shall be clearly and conspicuously disclosed in the contract in bold face type of a minimum size of fourteen points.

SECTION 5. A NEW SECTION OF KRS 367 IS CREATED TO READ AS FOLLOWS:

(1) Every buying club shall maintain a bond issued by a surety company admitted to do business in this state, the principal sum of which shall at all times be at least as great as the sum of (a) the total amount of prepayment received for all contracts of membership entered into after June 30, 1978, and (b) the total of all deposits being held on merchandise ordered or purchased through the club, pursuant to contracts entered into after June 30, 1978.

(2) Every health club, social referral club, or dance studio shall maintain a bond issued by a surety company admitted to do business in this state, the principal sum of which shall be at all times at least as great as the total amount of prepayment received for all contracts entered into after June 30, 1978.

(3) In no event shall any bond required by this section be less than $25,000.

(4) The bond required by this section shall be in favor of the attorney general of the Commonwealth of Kentucky for the benefit of any member who suffers loss of prepayment made pursuant to a contract entered into after June 30, 1978, due to insolvency of the club or the cessation of business by the club, or failure by the club to perform under any contract. A copy of the bond shall be filed with the attorney general prior to the making of any membership contract by a club. Any person claiming against the bond may maintain an action at law against the club and the surety. Failure to so maintain a bond as required by this section shall make the principals of any club personally liable for the claims of members.

(5) The aggregate liability of the surety to all persons for all breaches of the conditions of the bonds provided herein shall in no event exceed the amount of the bond.

(6) This section does not apply to any club which files a declaration, executed under penalty of perjury by the owner or manager of such club, with the attorney general stating that the club does not require or in the ordinary course of business receive prepayment for services or merchandise.

SECTION 6. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) The attorney general shall investigate violations of this Act and when from information in his possession he has reasonable ground to believe that any person has violated or is about to violate any provision of this Act, or that any club is insolvent, he shall be entitled on behalf of the state: (a) to sue for and have injunctive relief in any court of competent jurisdiction against any such violation or threatened violation without abridging the penalties provided by law;(b) to sue for and recover for the state, from any person who is found to have violated any provision of this Act, a civil penalty of $2,000 per violation;(c) to sue and recover on behalf of any member any money or property, real or personal, which may have been acquired as a result of a violation of this Act; and in case the club has failed to maintain the bond required by this Act, or is insolvent or in imminent danger of insolvency, to sue for and have an order appointing a receiver to wind up its affairs.

(2) All civil penalties recovered under subsection (1)(b) of this section shall be deposited in the general fund of the state treasury.

(3) In addition to the remedies otherwise provided by law, any person injured by a violation of any of the provisions of this Act, may bring a civil action and recover damages, together with costs and disbursements, including reasonable attorney's fees, and receive other equitable relief as determined by the court.

SECTION 7. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Any person who, on behalf of a club, negotiates a contract of membership without having previously fulfilled the bonding requirement of Section 5 of this Act, shall be guilty of a class C felony.

The Committee on Judiciary-Statutes reported **HB 673, HB 726, HR 95** with Committee Amendment attached thereto, **HCR 114, SB 133** with Committee Title Amendment and Committee Amendment No. 1 attached thereto, and **SB 207** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 673, AN ACT relating to fraudulent schemes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 506 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of devising a fraudulent scheme when he plans a scheme or artifice to defraud or to obtain property of another by means of false or fraudulent representations and he intentionally engages in conduct which advances the scheme or artifice.

(2) Devising a fraudulent scheme is a Class D felony unless the object of the crime is to obtain property valued at ten thousand dollars ($10,000) or more, in which case it is a Class C felony.

HB 726, AN ACT relating to police radios.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 432.570 is amended to read as follows:

(1) It shall be unlawful for any person except a member of a police department or police force or an official with written authorization from the head of a department which regularly maintains a police radio system authorized or licensed by the federal communications commission, to have in his or her possession, or in an automobile or other vehicle, or to equip or install in or on any automobile or other vehicle, any mobile radio set or apparatus capable of either receiving or transmitting radio or other messages or signals within the wave length or channel now or which may hereafter be allocated by the federal communications commission, or its successor, for the purpose of police radios, or which may, in any way intercept or interfere with the transmission of radio messages by any police or other peace officers and it shall be unlawful for any car, automobile or other vehicle other than one publicly owned and entitled to an official license plate issued by the state issuing a license for said car, to have, or be equipped with such sets or apparatus even though said car is owned by an officer. Provided, however, the provisions of this section shall not apply to any automobile or other vehicle owned or operated by a member of a sheriff's department authorized by the fiscal court to operate a radio communications system that is licensed by the federal communications commission or other federal agency having the authority to license same. *The provisions of this section shall not apply to radio apparatus capable of receiving police communications which is installed in an automobile or other vehicle used by a peace officer in the performance of his official duties, provided that the possession of such apparatus is authorized by the county judge/executive.*

(2) Any person guilty of violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or imprisonment not exceeding twelve months, or both so fined and imprisoned.

(3) It shall be the duty of any and all peace officers to seize and hold for evidence any and all equipment had or used in violation of the provisions of this section, and, upon conviction of the person having, equipping or using such equipment, it shall be the duty of the trial court to order such equipment or apparatus destroyed, forfeited or escheated to the Commonwealth of Kentucky, and said property may be ordered destroyed, forfeited or escheated as above provided without a conviction of the person charged with violating this section.

(4) Nothing contained in this section shall prohibit the possession of a radio by:

(a) An individual who is a retailer or wholesaler and in the ordinary course of his business offers such radios for sale or resale or by;

(b) A commercial or educational radio or television station, licensed by the federal communications commission, at its place of business.

(5) The secretary of the executive department for finance and administration is hereby empowered by issuance of a secretary's order to exempt from the prohibitions and penalties of this section the possession and use of any and all radio communication equipment that he finds is necessary to be owned and used by members of the general public and other non-police persons for utilization in the N.O.A.A. weather radio system.

HR 95, A RESOLUTION in support of the national Bill of Rights for Foster Children.

WHEREAS, Kentucky has a long history of caring for children who are unable to live with their own parents; and

WHEREAS, foster children are entitled to the same rights inherently belonging to all children; and

WHEREAS, foster children, because of their separation from parents, require additional special safeguards, resources and care; and

WHEREAS, conscientious citizens have a responsibility to insure the welfare of foster children;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives endorses the Bill of Rights for Foster Children developed by the National Action for Foster Children Committee.

The Committee Amendment to **HR 95** is as follows:

Amend printed copy of **HR 95** on page 1, line 3, by adding after the word "Committee" the following:

"BILL OF RIGHTS FOR FOSTER CHILDREN

Ratified in Congress Hall, Philadelphia

Saturday, the Twenty-eighth of April, Nineteen hundred and seventy three

EVEN more than for other children, society has a responsibility along with parents for the well-being of foster children. CITIZENS are responsible for acting to insure their welfare.

EVERY foster child is endowed with the rights inherently belonging to all children. In addition, because of the temporary or permanent separation from and loss of parents and other family members, the foster child requires special safeguards, resources, and care.

EVERY FOSTER CHILD HAS THE INHERENT RIGHT:

Article the first -

to be cherished by a family of his own, either his family helped by readily available services and supports to reassume his care, or an adoptive family or by plan, a continuing foster family.

Article the second -

to be murtured by foster parents who have been selected to meet his individual needs, and who are provided services and supports, including specialized education, so that they can grow in their ability to enable the child to reach his potential.

Article the third -

to receive sensitive, continuing help in understanding and accepting the reasons for his own family's inability to take care of him, and in developing confidence is his own self-worth.

Article the fourth -

to receive continuing loving care and respect as a unique human being ... a child growing in trust in himself and others.

Article the fifth -

to grow up in freedom and dignity in a neighborhood of people who accept him with understanding, respect and friendship.

Article the sixth -

to receive help in overcoming deprivation or whatever distortion in his emotional, physical, intellectual, social and spiritual growth may have resulted from his early experiences.

Article the seventh -

to receive education, training, and career guidance to prepare him for a useful and satisfying life.

Article the eighth -

to receive preparation for citizenship and parenthood through interaction with foster parents and other adults who are consistent role models.

Article the ninth -

to be represented by an attorney at law in administrative or judicial proceedings with access to fair hearings and court review of decisions, so that his best interests are safeguarded.

Article the tenth -

to receive a high quality of child welfare services, including involvement of the natural parents and his own involvement in major decisions that affect his life."

HCR 114, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the need to regulate travel agents and travel agencies.

WHEREAS, many Kentuckians each year are defrauded of hundreds of dollars by unscrupulous individuals posing as legitimate travel agents or by travel agencies; and

WHEREAS, there is no regulation of travel agents or travel agenices in the Commonwealth to protect the public from such unscrupulous practices; and

WHEREAS, the state of Rhode Island has enacted legislation to regulate travel agents and travel agencies; and

WHEREAS, several other states have such legislation under serious consideration;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to study the need to regulate travel agents and travel agencies in the Commonwealth of Kentucky.

Section 2. The results of the study along with any recommendations shall be reported to the appropriate interim joint committee not later than April 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $8,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

SB 133, AN ACT relating to committees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 210.290 is amended to read as follows:

(1) The department for human resources may be appointed and act as executor, administrator, guardian, [or] committee, *or special committee* as provided in this section. In this capacity the department may transact business in the same manner as any individual and for this purpose may sue and be sued in any of the courts of the state. Bond shall not be required of the department.

(2) Whenever a person who has been adjudged incompetent and committed to the department for placement in a state mental hospital or institution for the mentally defective, *or any non-institutionalized*

person who has been adjudged incompetent, has no committee, the department, acting through its designated officer, may apply to the district court of the county in which the adjudication was made for its appointment as committee for such incompetent person.

(3) Upon the death of a person for whom the department has been appointed committee, or upon the death of a person who has been committed to the department leaving an estate and having no relatives at the time residing within the state, the department may apply for appointment as administrator and upon appointment shall close the administration of the estate.

(4) The department may invest funds held as fiduciary in bonds or other securities guaranteed by the United States, and may sell or exchange such securities in its discretion.

(5) The department shall receive such fees for its fiduciary services as provided by law. These fees shall be placed in a trust and agency account, from which may be drawn expenses for filing fees, court costs and other expenses incurred in the administration of estates. Claims of the department against the estates shall be considered in the same manner as any other claim.

(6) An officer designated by the secretary may act as legal counsel for any patient in a state mental hospital or institution against whom a suit of any nature has been filed, without being appointed as committee.

(7) Patients hospitalized pursuant to KRS Chapters 202A and 202B who are not adjudged mentally incompetent may authorize the department for human resources to handle personal funds received by them at the hospital in the same manner as prescribed in subsections (4) and (5) of this section.

Section 2. KRS 387.230 is amended to read as follows:

(1) The power and duty of the committee of a person of unsound mind shall [, in all respects,] be the same as those of the guardian of a minor, except as to education. *Such power and duty shall include, but shall not be limited to securing health services, social services, and living arrangements; managing financial affairs; and securing and giving consent for these and other needed support services necessary to the well-being of the individual.*

(2) The court may appoint a person other than the committee to take charge of the person of unsound mind when he is not confined in an asylum, and may order his committee to make necessary provision for his support.

(3) Committees of persons of unsound mind shall receive the same compensation for their services, as such, as is provided in KRS 386.180 for trustees of estates.

Section 3. KRS 387.282 is amended to read as follows:

(1) *Appointment of a special committee* [Such appointment] shall be made only after a verified *petition* [statement] has been filed by a reputable citizen of the county or by an authorized representative of the agency disbursing the funds, showing that the person is physically, mentally, or otherwise unable or unfit to receive, manage and disburse for his or his family's maintenance and support funds which may be allotted to him by the state, federal, city or county agency. If the appointment is requested for physical or mental reasons, the petition must be supported by the affidavit of some regularly practicing physician showing that said person is physically or mentally disabled, as alleged therein. In all other cases, the petition must be supported by the affidavit of an authorized representative of the agency disbursing the funds showing the reason the appointment is needed.

(2) *Upon filing of the petition, the court clerk shall issue a summons to be served upon such person, in accordance with the Kentucky rules of civil procedure, with a copy of the petition attached thereto. The summons shall notify such person of his right to file a written request for a hearing on the petition. A guardian ad litem shall be appointed for the person, and no judgment shall be granted until the guardian ad litem shall have made defense or filed a report stating that after careful examination of the case, he is unable to make defense. Twenty days after the date of the service of the summons, the court shall set a time and place for a hearing of the petition.* [When the appointment of a special committee is requested in the county court, the court shall be allowed a fee of five dollars ($5.00).]

The Committee Title Amendment to **SB 133** is as follows:

Amend printed copy of **SB 133** on page 1, by deleting "AN ACT relating to committees." and inserting in lieu thereof the following: "AN ACT relating to incompetents."

The Committee Amendment No. 1 to **SB 133** is as follows:

Amend printed copy of **SB 133** on page 4, line 26, by inserting the following after line 26:

"Section 4. KRS 504.040 is amended to read as follows:

(1) No *defendant* [person] who, as a result of mental disease or defect, lacks capacity to appreciate the

nature and consequences of the proceedings against him or to participate rationally in his own defense shall be tried, convicted or sentenced for the commission of an offense, so long as such incapacity endures.

(2) *If upon arraignment, or during any stage of the proceedings, the court has reasonable grounds to believe that the defendant is incompetent, as defined in subsection (1) of this section, to stand trial, the court shall: (a) appoint at least one qualified psychiatrist to examine and report upon the mental condition of the defendant; or (b) if necessary, order the defendant committed to any hospital, medical facility or institution approved by the secretary of the department for human resources for the purposes of an examination and report upon the mental condition of the defendant, provided such commitment shall not be for a period of more than thirty (30) days, and further, provided that a qualified psychiatrist retained by the defendant shall be permitted to witness and participate in any examination of the defendant. Upon motion of the defendant, the court may for good cause extend defendant's commitment, for such examination for a further period of not more than thirty (30) days for the purpose of allowing the defendant sufficient time to furnish the examining psychiatrist additional information relevant to defendant's mental condition.*

(3) The examining psychiatrist shall report to the court: (a) whether the defendant is incompetent, as defined in subsection (1) of this section, to stand trial; and if so (b) whether there is a substantial probability of the of the defendant attaining competency to stand trial in the foreseeable future; and if not, (c) whether the defendant will cause injury to himself or others if not immediately restrained.

(4) After the defendant is examined and the report is filed, the court shall order an evidentiary hearing on the issue of defendant's competency to stand trial.

(b) If the court finds the defendant is incompetent to stand trial but finds that there is a substantial probability of the defendant attaining competency to stand trial in the foreseeable future, the court shall order the defendant committed to a hospital, medical facility or institution approved by the secretary of the department for human resources and that the defendant be there detained until such time as he is competent to stand trail; provided such order of commitment shall direct such hospital, medical facility or institution to file periodic progress reports on the defendant's mental condition.

(c) If the court finds the defendant incompetent to stand trial and further finds that there is not a substantial probability of defendant attaining competency to stand trial in the foreseeable future and further finds that there are reasonable grounds to believe that the defendant will cause injury to himself or others if not immediately restrained, the court shall order the dismissal of the proceedings against the defendant and the release of the defendant from custody; provided such order of dismissal and release shall provide that the effective date thereof be stayed for a period of not more than ten (10) days to allow proceedings to be initiated against the defendant for examination and possible detention pursuant to the provisions of KRS Chapter 202A or 202B; or

(d) If the court finds defendant incompetent to stand trial and further finds that there is not a substantial probability of defendant attaining competency in the foreseeable future and further finds that there are not reasonable grounds to believe that the defendant will cause injury to himself or others if not immediately restrained, the court shall order the dismissal of the proceedings against the defendant and the immediate release of the defendant.

(6) If a defendant is committed under subsection (5)(b) of this section, the court shall hold periodic evidentiary hearings on defendant's competency to stand trial with the periodic progress reports on defendant's mental condition being the basis for such hearings, and upon a finding at any such hearing that the defendant is competent to stand trial, the court shall continue with the pending proceedings against the defendant.

(7) If a defendant is committed under subsection (5)(b) of this section, and the defendant does not in fact attain competency to stand trial within a reasonable time, the court shall order the dismissal of the proceedings against the defendant and the release of the defendant from custody; provided such order of dismissal and release shall provide that the effective date be stayed for a period of ten (10) days to allow proceedings to be initiated against the defendant for examination and possible detention pursuant to the provisions of KRS Chapter 202A or 202B.

(8) No dismissal hereunder shall be a bar to a subsequent proceedings initiated under KRS Chapter 202A or 202B.

(9) Any period of detention of the defendant hereunder shall be considered time spent in custody under KRS 532.120(3)

[When a defendant is found to have a mental disease or defect, as described in subsection (1), the court may on motion of the prosecuting attorney or on its own motion proceed immediately to have the defendant committed for examination and possible detention pursuant to the provisions of KRS Chapter 202A or 202B]."

SB 207, AN ACT relating to the office of the public defender.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 31.170 is amended to read as follows:

(1) If the fiscal court of a county elects to establish and maintain an office of public defender, they shall:

(a) Appoint the district public defender and any number of assistant district public defenders necessary to adequately perform the functions of said office.

(b) Prescribe the qualification of the district public defender, his term of office which may not be more than four (4) years and fix the rate of annual compensation for him and his assistants. In order to be qualified for appointment as public defender a person must have been admitted to the practice of law and licensed to practice in the Commonwealth of Kentucky and be competent to counsel and defend a person charged with a crime.

(c) Provide for the establishment, maintenance and support of his office.

(2) If the fiscal court of a county elects to arrange with a non-profit organization to provide defenders, the county and any cities involved may reimburse the organization for such expenses as the fiscal courts respectively concerned have determined to be necessary in the representation of needy persons under this chapter, or may provide facilities described in KRS 31.180 (2) (a) in addition to or in lieu of said reimbursement.

(3) If a court assigns an attorney to represent a needy person it shall prescribe a reasonable rate of compensation for his services and shall determine the direct expenses necessary to representation for which he would be reimbursed. The county shall pay the attorney the amounts so prescribed from the funds made available by the office of public defender.

(4) An attorney under subsection *(1)* [(3)] shall be compensated for his services with regard to the complexity of the issues, the time involved, and other relevant considerations. However, he may be compensated at a rate no higher than thirty-*five* dollars *($35)* [($30)] an hour for time spent in court and no higher than twenty-*five* dollars *($25)* [($20)] an hour for time spent out of court subject in each case to a maximum total fee of one thousand *two hundred fifty* dollars *($1,250)* [($1000)] in case of a felony and five hundred dollars ($500) in any other case, unless the court concerned finds that special circumstances warrant a higher total fee.

SECTION 2. A NEW SECTION OF KRS CHAPTER 31 IS CREATED TO READ AS FOLLOWS:

All monies received by the public defender from indigent defendants pursuant to KRS Chapter 31 or which are collected by the public defender pursuant to KRS Chapter 431 shall be credited to the public defender fund of the county in which the trial is held and shall not be credited to any general account maintained by or for the public defender. Monies credited to a county public defender fund may be used only to support the public defender program of that county.

Section 3. This Act shall become effective July 1, 1979.

The Committee on Judiciary-Statutes reported **SB 260, SB 264,** and **HB 745** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Consent Calendar.

SB 260, AN ACT relating to the administration of trusts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

As used in KRS 386.650 to 386.735, the term "trust" shall have the same definition as contained in KRS 386.800(1).

SECTION 2. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:
The provisions of KRS 386.650 to 386.735 shall apply to every trust, regardless of the date on which it was established.

Section 3. KRS 395.610 is amended to read as follows:

(1) One (1) year after appointment and annually thereafter, unless otherwise provided by law, every fiduciary *as defined in KRS 395.001, other than a testamentary trustee,* must render an account of the execution of his trust to the court by which he was appointed, including in such account an itemized statement of receipts and disbursements supported by vouchers accompanying the same and a statement of all investments on hand and changes in investments since the filing of his last account. Provided, however, that guardians *and* [,] committees and trustees under continuing trust, after their first accounting, shall render their accounts thereafter biennially, or at shorter intervals if the court shall require it. Such settlements, when approved and confirmed by the court, shall be recorded and indexed by the clerk, and the original and the vouchers carefully kept by him in his office. An account shall be rendered by the fiduciary at any other time upon order of the court upon its own motion or that of any person interested in the trust, for good cause shown on affidavit. At the expiration of his trust such fiduciary must fully account for and pay over the trust estate to the person or persons entitled thereto. Every such account shall list all unpaid creditors whose claims have been allowed and all creditors whose claims have been disallowed. No account of a fiduciary except of corporate fiduciaries under the supervision of state or federal banking authorities shall be approved until there are exhibited to the court, for its examination, the security or securities shown in said account as being in the hands of the fiduciary, or the certificate of a bank having possession thereof or in which they have been deposited for safekeeping, and a certified bank statement showing the funds to the credit of the trust.

(2) Testamentary trustees shall not be required to render accountings to the court under the provisions of this section. However, trustees may be required to file accounts pursuant to judicial proceedings under KRS 386.675.

SB 264, AN ACT relating to police radios.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 432.570 is amended to read as follows:

(1) It shall be unlawful for any person except a member of a police department or police force or an official with written authorization from the head of a department which regularly maintains a police radio system authorized or licensed by the federal communications commission, to have in his or her possession, or in an automobile or other vehicle, or to equip or install in or on any automobile or other vehicle, any mobile radio set or apparatus capable of either receiving or transmitting radio or other messages or signals within the wave length or channel now or which may hereafter be allocated by the federal communications commission, or its successor, for the purpose of police radios, or which may, in any way intercept or interfere with the transmission of radio messages by any police or other peace officers and it shall be unlawful for any car, automobile or other vehicle other than one publicly owned and entitled to an official license plate issued by the state issuing a license for said car, to have, or be equipped with such sets or apparatus even though said car is owned by an officer. Provided, however, the provisions of this section shall not apply to any automobile or other vehicle owned or operated by a member of a sheriff's department authorized by the fiscal court to operate a radio communications system that is licensed by the federal communications commission or other federal agency having the authority to license same.

(2) Any person guilty of violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or imprisonment not exceeding twelve months, or both so fined and imprisoned.

(3) It shall be the duty of any and all peace officers to seize and hold for evidence any and all equipment had or used in violation of the provisions of this section, and, upon conviction of the person having, equipping or using such equipment, it shall be the duty of the trial court to order such equipment or apparatus destroyed, forfeited or escheated to the Commonwealth of Kentucky, and said property may be ordered destroyed, forfeited or escheated as above provided without a conviction of the person charged with violating this section.

(4) Nothing contained in this section shall prohibit the possession of a radio by:

(a) An individual who is a retailer or wholesaler and in the ordinary course of his business offers such radios for sale or resale or by;

(b) A commercial or educational radio or television station, licensed by the federal communications commission, at its place of business *or by;*

(c) An individual who possesses such radio at his place of residence; licensed commercial auto towing trucks; newspaper reporters and photographers, except that it shall be unlawful to use such radio to facilitate any criminal activity and/or to avoid apprehension by law enforcement officers. Violation of this section shall result in a forfeiture to the local law enforcement agency of such radio.

(5) The secretary of the executive department for finance and administration is hereby empowered by issuance of a secretary's order to exempt from the prohibitions and penalties of this section the possession and use of any and all radio communication equipment that he finds is necessary to be owned and used by members of the general public and other non-police persons for utilization in the N.O.A.A. weather radio system.

HB 745, AN ACT relating to paternity and support of children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 407.100 is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "State" includes any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced. "Responding court" means the court in which the responsive proceeding is commenced.

(4) "Court" means the circuit or district court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise and includes the duty to pay arrearages of support past due and unpaid.

(7) "Obligor" means any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support is commenced.

(8) "Obligee" means any person including a state or political subdivision to whom a duty of support is owed or a person including a state or political subdivision that has commenced a proceeding for enforcement of an alleged duty of support. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

(9) "Governor" includes any person performing the functions of Governor or the executive authority of any state covered by this chapter.

(10) "Support order" means any judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

(11) "Register" means to file in the registry of foreign support orders.

(12) "Registering court" means the circuit or district court of this state.

(13) "Rendering state" means a state in which the court has issued a support order for which registration is sought or granted in the court of another state.

SECTION 2. A NEW SECTION OF KRS CHAPTER 407 IS CREATED TO READ AS FOLLOWS:

If the duty of support is based on a foreign support order, the obligee may register the foreign support in a court of this state.

SECTION 3. A NEW SECTION OF KRS CHAPTER 407 IS CREATED TO READ AS FOLLOWS:

Each circuit clerk shall maintain a registry of foreign support orders in which he shall file foreign support orders.

SECTION 4. A NEW SECTION OF KRS CHAPTER 407 IS CREATED TO READ AS FOLLOWS:

If this state is acting either as a rendering or a registering state the county attorney shall represent the obligee upon the request of the court or an appropriate welfare official or state agency. If the county attorney neglects or refuses to represent the obligee, the attorney general may order him to comply or may undertake the representation.

(1) An obligee seeking to register a foreign support order in a court of this state shall transmit to the circuit clerk the following:

a. three (3) certified copies of the order with all modifications thereof;

b. a copy of the reciprocal enforcement of support act of the state in which it was made; and

c. a verified statement, signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the states in which the order is registered.

(2) Upon receipt of the documents required by subsection (1) of this section, the circuit clerk shall without payment of a fee or cost file them in the registry of foreign support orders the filing constitutes registration under this Act. Thereafter the circuit clerk shall send by certified or registered mail to the obligor notice of the registration with a copy of the registered support order and the post office address of the obligee.

(3) The obligor has twenty (20) days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. The registered foreign support order is confirmed if the obligor fails to petition the court.

SECTION 5. A NEW SECTION OF KRS CHAPTER 407 IS CREATED TO READ AS FOLLOWS:

Upon registration a foreign support order shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as support order of this state and may be enforced and satisfied in a like manner.

SECTION 6. A NEW SECTION OF KRS CHAPTER 407 IS CREATED TO READ AS FOLLOWS:

(1) Once the issue of paternity has been determined according to the laws of this state or any other state, the obligor cannot use the defense of non-paternity in an action under this chapter.

(2) If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both parties are present at the hearing or if proof required in the case indicates that the presence of either or both is not unnecessary, the court shall adjudicate the paternity issue; or if both parties are not present at the hearing and the proof indicates that the presence of both parties is required then the court shall continue the hearing for another date so as to obtain the presence of both parties for a trial, pursuant to KRS Chapter 406, and all remedies and defenses under that statute shall be available and apply to the trial of the paternity issue under this chapter, except that all pre-trial discovery had upon the out-of-state obligee by written interrogatories pursuant to Civil Rule 33, by depositions upon written questions, pursuant to Civil Rule 31, by request for production of documents, pursuant to Civil Rule 34, or requests for admission, pursuant to Civil Rule 36, only. In no event shall the obligee be required to appear in this state, as responding state, for any pre-trial discovery.

Section 7. KRS 454.210 is amended to read as follows:

(1) As used in this section, "person" includes an individual, his executor, administrator, or other personal representative, or a corporation, partnership, association, or any other legal or commercial entity, who is a nonresident of this commonwealth.

(2)(a) A court may exercise personal jurisdiction over a person who acts directly or by an agent, as to a claim arising from the person's:

1. Transacting any business in this Commonwealth;
2. Contracting to supply services or goods in this Commonwealth;
3. Causing tortious injury by an act or omission in this Commonwealth;
4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth, provided that the tortious injury occurring in this Commonwealth arises out of the doing or soliciting of business or a persistent course of conduct or derivation of substantial revenue within the Commonwealth;
5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when the seller knew such person would use, consume, or be affected by, the goods in this Commonwealth, if he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
6. Having an interest in, using, or possessing real property in this Commonwealth, providing the claim arises from the interest in, use of, or possession of the real property, provided, however, that such in personam jurisdiction shall not be imposed on a nonresident who did not himself voluntarily institute the relationship, and did not knowingly perform, or fail to perform, the act or acts upon which jurisdiction is predicated;

7. Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting.

8. Committing sexual intercourse in this state which intercourse causes the birth of a child when:

(a) the father or mother or both are domiciled in this state, or

(b) there is a repeated pattern of intercourse between the father and mother in this state, or

(c) said intercourse is a tort or a crime in this state.

(b) When jurisdiction over a person is based solely upon this section, only a claim arising from acts enumerated in this section may be asserted against him.

(3)(a) When personal jurisdiction is authorized by this section, service of process may be made on such person, or any agent of such person, in any county in this commonwealth, where he may be found, or on the secretary of state who, for this purpose, shall be deemed to be the statutory agent of such person.

(b) The clerk of the court in which the action is brought shall issue a summons against the defendant named in the complaint and direct it to the sheriff of Franklin County. The sheriff shall execute the summons by delivering a true copy to the secretary of state and shall also deliver with the summons an attested copy of plaintiff's complaint. The secretary of state shall immediately mail the copy of the summons and complaint to the defendant at the address given in the complaint. The letter shall be posted by prepaid registered mail or by certified mail, return receipt requested and shall bear the return address of the secretary of state. The sheriff shall make the usual return to the court, and in addition the secretary of state shall make a return to the court showing that the acts contemplated by this statute have been performed, and shall attach to his return the registry receipt, if any. Summons shall be deemed to be served on the return of the secretary of state and the action shall proceed as provided in the Rules of Civil Procedure.

(c) The sheriff serving the summons upon the secretary of state shall pay to him, at the time of service, a fee of four dollars, which shall be taxed as costs in the action.

(4) When the exercise of personal jurisdiction is authorized by this section, any action or suit may be brought in the county wherein the plaintiff resides or where the cause of action or any part thereof arose.

(5) A court of this commonwealth may exercise jurisdiction on any other basis authorized in the Kentucky Revised Statutes or by the Rules of Civil Procedure, notwithstanding this section.

The Committee on Judiciary-Statutes reported **SB 276** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 276, AN ACT relating to real property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 382 IS CREATED TO READ AS FOLLOWS:

(1) A holder of a lien on real property shall release the lien in the county clerk's office where the lien is recorded within sixty (60) days from the date of satisfaction.

(2) A proceeding may be filed in circuit court against a lienholder that violates subsection (1) of this section. A proceeding filed under this section shall be given precedence over other matters pending before the court.

(3) Upon proof of satisfaction of the lien being introduced, the court may enter a judgment releasing the lien. The judgment shall be with costs including reasonable attorneys' fees.

The Committee on State Government reported **HB 728, HCR 90, SB 187** with Title amendment and Committee Amendment attached thereto, **SB 214, SB 215** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 728, AN ACT relating to state officers and employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO READ AS FOLLOWS:

(1) The governor shall designate a member of his staff as "bureaucratic ombudsman" to investigate and consider complaints of discourtesy, rudeness, bad manners, harrassment and similar ill conduct on the part of executive branch state officers and employes toward citizens. Upon being satisfied that a complaint is justified, the ombudsman shall be authorized, with the approval of the governor, any provision of KRS Chapter 18 to the contrary notwithstanding, to fine the offending officer or employe up to fifty dollars ($50). Proceeds from

fines shall be deposited in the employe fine and reward fund which is hereby created in the state treasury to be administered by the executive department for finance and administration.

(2) The bureaucratic ombudsman shall investigate and consider complimentary reports and letters from citizens regarding exemplary conduct on the part of executive branch officers and employes toward citizens. Upon being satisfied that a compliment is justified, the ombudsman shall be authorized, with the approval of the governor, any provision of KRS Chapter 18 to the contrary notwithstanding, to make an incentive payment to the employe of up to fifty dollars ($50) therefor. The incentive payment shall be made from the employe fine and reward fund, or from any other monies available to the governor..

(3) This Act may be cited as "The Bungling Bureaucrat Bill of 1978."

HCR 90, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the feasibility of installing a more reliable roll call machine in the House of Representatives and telephones at each member's desk in both the House and Senate.

WHEREAS, because of their number, it is essential that the members of the House of Representatives have an accurate and efficient means of registering their votes on questions before that honorable body; and

WHEREAS, the roll call machine in present use is old, obsolescent and subject to frequent failure; and

WHEREAS, in both chambers of the General Assembly, a member's desk is his office and to carry out his responsibilities he must be in communication with persons in and outside the Capitol; and

WHEREAS, a member's "desk/office" is not provided with a telephone, and therefore he is severely hampered in the performance of his duties;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to study the feasibility of replacing the roll call machine presently in use in the House of Representatives with more reliable equipment and to examine once again the feasibility of furnishing telephones in both House and Senate at each member's desk.

Section 2. The results of this study along with any recommendations shall be reported to the members of the General Assembly not later than December 31, 1978.

Section 3. Staff services to be utilized in completing this study are estimated to cost $2,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

SB 187, AN ACT relating to pre-session filing of bills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.245 is amended to read as follows:

(1) *Members of the general assembly and* [At the times specified in this section], members-elect of the general assembly *who have received their certificates of election* [and senators who have completed but one-half (1/2) of their term] are hereby authorized, *during such time as the general assembly is not in session,* to pre-file bills and resolutions for introduction in the next succeeding regular legislative session with the director of the legislative research commission. Bills and resolutions which are pre-filed under the provisions of this section shall be in such final and correct form for introduction in the general assembly as required by the constitution, laws and rules of the respective houses of the legislature. The original copy of every bill and resolution pre-filed shall include thereon, immediately below the typed or printed name of the sponsor thereof, the full signature of said sponsor.

(2) [Bills and resolutions may be pre-filed at the following times:

(a) From the time that a member-elect has received his certificate of election until the next succeeding regular legislative session.

(b) For senators who have completed but one-half (1/2) of their term, from November 15 until the next succeeding regular legislative session.

(3)] The director of the legislative research commission is authorized and directed to receive pre-filed bills and resolutions, to assign numbers for introduction in the proper house in order of receipt, to deliver copies to the printing contractor for pre-session printing, and, *subject to the provisions of subsection (3) of this section,* to deliver the original and four (4) copies of each bill and resolution to the secretary of the senate or the chief clerk of the house, as the case may be, on the first day of the regular session. Pre-filed bills and resolutions shall be considered as introduced on the day of their delivery to each house. No measure that is filed and printed pursuant to this section shall be distributed to members, members-elect or the public unless the person filing the measure specifically authorizes in writing such distribution.

(3) Notwithstanding the provisions of subsection (2) of this section, in the event all the persons sponsoring a pre-filed bill or resolution shall have ceased to be members of the general assembly at the time of the convening of the next succeeding regular legislative session, the pre-filing of that bill or resolution shall be considered to be without effect, and the director of the legislative research commission shall not deliver the original or copies to the secretary of the senate or the chief clerk of the house.

The Committee Title Amendment to **SB 187** is as follows:

Amend printed copy of **SB 187** on page 1, the Title line, by deleting the words "pre-session filing of bills" and inserting in lieu thereof the words "the legislative branch of the state government".

The Committee Amendment to **SB 187** is as follows:

Amend printed copy of **SB 187** on page 3, by adding after line 5 the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 7 IS CREATED TO READ AS FOLLOWS:

Upon the sine die adjournment of the General Assembly, each standing committee in the House of Representatives shall be merged with its corresponding committee in the Senate and shall be continued as a subcommittee of the Legislative Research Commission, to be known as an Interim Joint Committee, with powers to study and make recommendations as to any subject within its jurisdiction, according to the rules of the respective houses.

Section 3. KRS 7.320 is amended to read as follows:

(1) The Legislative research commission, *and any interim joint committee having general jurisdiction over matters pertaining to the executive budget and other appropriations of state moneys and the levying of state and local taxes, and any interim joint committee having general jurisdiction over matters pertaining to the sovereignty and jurisdiction of the Commonwealth and statutory administrative agencies, and any other* [or a] subcommittee authorized by *the commission* [it], shall study and examine expenditures of state agencies. The commission may organize and adopt rules for the conduct of its business and do whatever else it considers necessary or advisable to carry out the purposes of KRS 7.310 to 7.380.

(2) The commission may adopt rules and prescribe procedures for the conduct of its affairs.

(3) The commission, *and any interim joint committee having general jurisdiction over matters pertaining to the executive budget and other appropriations of state moneys and the levying of state and local taxes, and any interim joint committee having general jurisdiction over matters pertaining to the sovereignty and jurisdiction of the Commonwealth and statutory administrative agencies, and any other interim joint committee* may administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, and have the deposition of witnesses taken in the manner prescribed by law for taking depositions in civil actions. If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter regarding which he may be lawfully interrogated, the *Supreme Court or Franklin Circuit Court* [Court of Appeals] may on application of the commission *or committee in question,* compel obedience by proceedings for contempt in the same manner as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. Each witness who appears before the commission *or committee* by its order, other than an officer or employe of the state, is entitled to the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the commission *or committee.*

Section 4. KRS 7.330 is amended to read as follows:

The commission, *and any interim joint committee having general jurisdiction over matters pertaining to the executive budget and other appropriations of state moneys and the levying of state and local taxes, and* *any interim joint committee having general jurisdiction over matters pertaining to the sovereignty and jurisdiction of the Commonwealth and statutory administrative agencies,* may:

(1) Perform an audit or investigation of any accounts, books and other financial records of the state government, or of any officer, department, board, bureau, institution, commission, agency, or other unit, of the state;

(2) Examine and audit any fiscal books, records and accounts of custodians of public funds, and of disbursing officers of the state, making independent verification of all assets, liabilities, revenues and expenditures of the state and agencies of the state;

(3) Review and evaluate any program supported in whole or in part by state appropriation. In any instance in which a program review indicates inadequate operating or administrative system controls or procedures, inaccuracies, waste, extravagance, unauthorized or unintended activities or programs, or other deficiencies, the commission *or committee* may report its findings to the general assembly;

(4) Perform audit of any agency, private or semiprivate agency or organization receiving state funds;

(5) [The commission may, at any time,] Study or review any matter relative to program activities of any state department, agency, or institution;

(6) Require the assistance of any executives and officials, auditors, accountants, and other employes of any agency at any time in the inspection, examination and audit of books, accounts and records*;*

(7) Perform on-site visitations in the course of their meetings in conjunction with the above-enumerated powers.

Section 5. KRS 7.360 is amended to read as follows:

In the course of *their* [its] investigations and studies, the commission, *and any interim joint committee having general jurisdiction over matters pertaining to the executive budget and other appropriations of state moneys and the levying of state and local taxes, and any interim joint committee having general jurisdiction over matters pertaining to the sovereignty and jurisdiction of the Commonwealth and statutory administrative agencies,* may ascertain the amount on deposit in any bank belonging to the agency audited, and may audit the account on the books of the bank. No bank is liable for making available to the commission *or committee* any of the information required under this section."

SB 214, AN ACT relating to primary care.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 164.925 is amended to read as follows:

As used in KRS 164.927 to 164.933, unless the context otherwise requires, "primary care" means the practice of medicine as provided by professionals in family/general practice, general pediatrics, general internal medicine, emergency medicine, general obstetrics and gynecology, *and preventative medicine/public health.* Primary care is a type of medical care delivery which emphasizes first contact care and assumes ongoing responsibility for the patient in both health maintenance and therapy of illness. It is personal care involving a unique interaction and communication between the patient and the physician. It is comprehensive in scope, and includes the overall coordination of the care of the patient's health problems, be they biological, behavioral or social. The appropriate use of consultants and community resources is an important part of effective primary care.

SB 215, AN ACT relating to retirement and other fringe benefits for working and retired public employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 16.505 is amended to read as follows:

As used in KRS 16.510 to 16.652, unless the context otherwise requires:

(1) "System" means the state police retirement system created by KRS 16.510 to 16.652;

(2) "Board" means the board of trustees of the Kentucky retirement systems;

(3) "Employer" or "state police" means the bureau of state police, or its successor;

(4) "Current service" means the number of years and completed months of employment as an employe subsequent to July 1, 1958, for which creditable compensation was paid by the employer and employe contributions deducted except as otherwise provided in KRS 16.541;

(5) "Prior service" means the number of years and completed months of employment as an employe prior to July 1, 1958, for which creditable compensation was paid to the employe by the commonwealth;

(6) "Service" means the total of current service and prior service;

(7) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, together with interest credited on such amounts as provided in KRS 16.510 to 16.652, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(8) "Creditable compensation" means all salary and wages paid to the employe as a result of services performed for the employer; living allowances, expense reimbursements, payments received after the date of termination of employment for accrued vacation leave, and other such items as are determined by the board shall be excluded;

(9) "Final compensation" at any time means the creditable compensation of a member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during such five (5) year period multiplied by twelve (12); such five (5) years may be fractional, and need not be consecutive. In the event the number of months of service credit during such five (5) year period is less than forty-eight (48), one or more additional fiscal years shall be used;

(10) "Final rate of pay" means the actual rate upon which earnings of a member were calculated during the twelve (12) month period immediately preceding the member's effective retirement date. Such rate shall be certified to the board by the employer and the following equivalents shall be used to convert said rate to an annual rate: 1,950 hours, 260 days, 52 weeks, 12 months, or one year;

(11) "Retired member" means any member entitled to receive benefits under the provisions of KRS 16.510 to 16.652;

(12) "Retirement allowance" means the retirement payments to which a retired member is entitled;

(13) "Actuarially equivalent benefits" means benefits which are of equal value when computed upon the basis of such actuarial tables as are adopted by the board except in case of disability retirement the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, provided however, that no disability retirement option shall be less than the same option computed under early retirement;

(14) "Authorized leave of absence" means any time during which a person is absent from employment but retained in the status of an employe in accordance with the personnel policy of the bureau of state police;

(15) "Normal retirement date" means the first day of the month following or coinciding with a member's fifty-fifth birthday, except that for members over age fifty-five (55) on July 1, 1958, it shall mean January 1, 1959. A member with thirty (30) or more years of service credit at least fifteen (15) of which are current may declare his "normal retirement date" to be some date prior to his fifty-fifth birthday;

(16) "Disability retirement date" means the first day of the month following total and permanent disability or partial disability;

(17) "Dependent child" means a child en ventre sa mere and a natural or legally adopted child of the member who has neither attained age eighteen (18) nor married or who is an unmarried full-time student, as defined in the federal social security act, who has not attained age twenty-two (22);

(18) "Optional allowance" means an actuarially equivalent benefit elected by the member in lieu of all other benefits provided by KRS 16.510 to 16.652;

(19) "Disability ratio" means that percentage determined by the board as being applicable to the degree of disability suffered or incurred by a member;

(20) "Act in line of duty" means an act occurring or a thing done, which, as determined by the board, was required in the performance of duty;

(21) "Early retirement date" means the retirement date declared by a member who is not less than fifty (50) years of age and has twenty (20) years of service;

(22) "Member" means any officer included in the membership of the system as provided under KRS 16.520 whose membership has not been terminated under KRS 61.535; and

(23) "Regular full-time officers" means the occupants of positions as set forth in KRS chapter 18 as provisional full-time, probationary full-time and permanent full-time.

Section 2. KRS 16.541 is amended to read as follows:

(1) Any person who prior to July 1, 1976, left the state police or its predecessor in order to enter the armed forces of the United States and who is re-employed by the state police after the effective date of the system is entitled to have credited as current service his period of service in such armed forces, not to exceed six (6) years, provided he applies for reinstatement within two (2) years of discharge, which must be

honorable, or within two (2) years of a subsequent termination of any total disability, and, subject to the approval of the state police personnel board, is re-employed.

(2) Any person who prior to the effective date of the system left the state police or its predecessor in order to enter the armed forces of the United States and who was re-employed within two (2) years after his honorable discharge therefrom prior to the effective date of the system shall be entitled to have credited as service his period of service in the armed forces, not to exceed six (6) years.

(3) Any member upon completion of five (5) years of service shall receive current service for a maximum of four (4) years for his period of service in the armed forces of the United States, if his discharge therefrom is honorable and he has not been credited with such service under subsections (1) and (2) of this section provided he pays thirty-five percent (35%) of the cost of such service based on the formula adopted by the board; however, members who were taken prisoner by a hostile power at any time during their active military service shall receive current service credit without payment of the thirty-five percent (35%). The payment by the member shall be deposited to his individual member's account. The remaining sixty-five percent (65%) shall be paid by the state from funds appropriated specifically for such purpose and these payments shall be deposited to the retirement allowance account. If no funds are available in the special appropriation account the board shall not accept employe payments until such time funds are available in the account.

(4) Effective July 1, 1978, no veteran shall be eligible to purchase military service credit under this section if he is receiving a military pension or is eligible for such pension in the future.

Section 3. KRS 16.543 is amended to read as follows:

(1) Employe contributions shall be deducted from the creditable compensation of each member of the retirement system in the active employment of the bureau of state police of the department of justice as an officer as defined in KRS 16.520. Service credit shall be allowed for each month such member receives creditable compensation for an average of 100 hours or more of work per month. If the average number of hours of work is less than 100 per month, the member shall be allowed credit only for those months he receives creditable compensation for 100 hours of work.

(2) Contributions shall not be made and no service will be earned while on authorized leave except:

(a) A member shall be entitled to service credit in accordance with KRS 16.541; and

(b) A member on educational leave, approved by the department of personnel, who is receiving 75% or more of full salary, shall receive service credit and shall pay member contributions in accordance with KRS 16.545 and his employer shall pay employer contributions in accordance with KRS 61.565. If a tuition agreement is broken by the member, the member and employer contributions paid during the period of educational leave shall be refunded.

(3) The retirement office, upon detection, shall refund erroneous employer and employe contributions made to the retirement system.

Section 4. KRS 16.560 is amended to read as follows:

(1) The member contributions account shall be the account to which all members' contributions and interest allowances as provided in KRS 16.510 to 16.652 shall be credited; only funds from this account shall be used to return accumulated contributions of a member when required by reason of any provision of KRS 16.510 to 16.652.

(2) Each member's contribution shall be credited to the individual account of the contributing member.

(3) Each member on June 30 of each year shall have his individual account credited with interest at a rate determined by the board but not less than two and one-half per cent (2-1/2 %) per annum on the accumulated contributions of the member on June 30 of the preceding fiscal year and the amounts so credited shall be transferred from the retirement allowance account. [Notwithstanding the provisions of this subsection, a member who has ceased to make contributions to the system shall thereafter be credited with interest only for a period of years equal to his years of current service credit.]

(4) Upon the retirement of a member, his accumulated contribution shall be transferred from the member's contribution account to the retirement allowance account.

(5) Included as a part of such member's contribution account shall be his accumulated contributions in the Kentucky employes retirement system, if any, transferred to this system.

Section 5. KRS 16.576 is amended to read as follows:

(1) A member shall terminate employment on his normal retirement date.

(2) Any member with at least five (5) years of service credit may retire at his normal retirement date, or subsequent thereto, upon written notification to the board, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and subsequent to the filing of such notice.

(3) The member shall have the right to elect to have his retirement allowance payable under subsection (4) *or (6)* of this section or any one (1) of the plans set forth in KRS 61.635.

(4) The member may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to two and *twenty-five* [fifteen-]hundredths per cent *(2.25%)* [(2.15%)] of final compensation for each year of service credit.

(5) Notwithstanding any other provisions of this section, upon written notification to the board, a member shall have the option to defer his election to receive his retirement allowance. The retirement allowance payable under a deferred option shall be increased to reflect the deferred receipt of benefits.

(6) In lieu of any other benefits due under KRS 16.505 to 16.652 a member who has attained age fifty-five (55) may elect to receive an annual retirement allowance, payable monthly or less frequently as determined by the board, which shall be determined by multiplying his accumulated contributions by two (2) and converting this amount to an annual retirement allowance based on an annuity rate adopted by the board which would pay the actuarial equivalent of twice his accumulated contributions over the lifetime of the retired member.

Section 6. KRS 16.601 is amended to read as follows:

(1) In the event the death of a member in service occurs on or after July 1, 1968 as a direct result of an "act in line of duty" and the member has on file with the board at the time of his death a written designation of a beneficiary who is his spouse, then said beneficiary may elect to receive a lump sum payment of $5,000 and a monthly payment equal to twenty-five per cent (25%) of the member's monthly final rate of pay beginning in the month following the member's death and continuing each month until death or until she remarries, whichever occurs first.

(2) In the event the death of a member in service occurs on or after July 1, 1968 as a direct result of an "act in line of duty" and the member has on file with the board at the time of his death a written designation of a beneficiary other than his spouse, who is a dependent receiving at least one-half (1/2) of his support from the deceased member, then said beneficiary may elect to receive a lump sum payment of $10,000.

(3) In the period of time following a member's death during which dependent children survive, monthly payments shall be made for each dependent child who is alive, equal to ten per cent (10%) of the deceased member's monthly final rate of pay, however, total maximum dependent children's benefits shall not be greater than forty per cent (40%) of the deceased member's monthly final rate of pay, at the time any particular payment is due. Such payments shall commence in the month following the date of death of the member and shall be payable to the beneficiaries, or to a legally appointed guardian or as directed by the board. *Benefits shall be payable under this subsection notwithstanding an election by a beneficiary to withdraw the deceased members' accumulated contributions as provided in KRS 61.625 or benefits under any other provisions of KRS 16.510 to 16.652.*

(4) *A beneficiary eligible for benefits under subsection (1) or (2) of this section who is also eligible for benefits under any other provisions of KRS 16.510 to 16.652 may elect benefits under this section or any other section of KRS 16.510 to 16.652 but cannot elect to receive both.* [Payments provided for in this section shall be made in lieu of any other benefits due under any of the provisions of KRS 16.510 to 16.652.]

Section 7. KRS 16.645 is amended to read as follows:

The following subjects shall be administered in the same manner subject to the same limitations and requirements, as provided for the Kentucky employes retirement system as follows:

(1) Cessation of membership, as provided for by KRS 61.535;
(2) Medical examiners, as provided for by KRS 61.665;
(3) Actuarial bases, as provided for by KRS 61.670;
(4) Duties of the employer, as provided for by KRS 61.675;
(5) Exemption of benefits of the system for taxation as provided for by KRS 61.690;
(6) Retirement allowance increase as provided for by KRS 61.691;
(7) Calculation of retirement allowance as provided for by KRS 61.595(3) to (4);
(8) Beneficiaries to be designated by member, change, rights, as provided for by KRS 61.542;
(9) Year of service credit, as provided for by KRS 61.545;
(10) Refund of contributions, death after retirement, as provided by KRS 61.630;
(11) Custodian of fund, payments made, when, as provided for by KRS 61.660;
(12) Credit for service prior to membership date, as provided for by KRS 61.526;
(13) Transfer of dormant accounts, as provided for by KRS 61.626;
(14) Member's account, confidential, as provided for by KRS 61.661;
(15) Cessation of membership, loss of benefits, as provided for by KRS 61.550;
(16) Correction of errors in records, as provided for by KRS 61.685;
(17) Maximum disability benefit, as provided for by KRS 61.607;

(18) Retirement application procedure, effective retirement date as provided for by KRS 61.590;
(19) Employer contributions as provided for by KRS 61.565;
(20) Reinstatement of lost service credit as provided for by KRS 61.552;
(21) Reciprocal arrangement between systems, as provided by KRS 61.680; and
(22) Refund of contributions, conditions, as provided by KRS 61.625.

SECTION 8. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created and established a state fund to be known as "Kentucky retirement systems insurance fund".

(2) The fund is created for the purpose of providing a fund separate from the retirement funds and is to be used to provide fringe benefits to retired recipients and employes of employers participating in the Kentucky employes retirement system, county employes retirement system, and state police retirement system.

(3) The fund shall be administered by the board of trustees of the Kentucky retirement systems and the board shall manage the assets of the fund in the same manner in which it administers the retirement funds.

SECTION 9. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

(1) The board of trustees of Kentucky retirement systems shall arrange by appropriate contract or on a self insured basis to provide a group hospital and medical insurance plan for present and future recipients of a retirement allowance from the Kentucky employes retirement system, county employes retirement system and state police retirement system.

(2) Each employer participating in the state police retirement system as provided for in KRS 16.505 to 16.652, and each employer participating in the county employes retirement system as provided in KRS 78.510 to 78.852 and each employer participating in the Kentucky employes retirement system as provided for in KRS 61.510 to 61.692 shall contribute to the Kentucky retirement systems insurance fund the amount necessary to provide hospital and medical insurance as provided for under this section. Such employer contribution rate shall be developed by appropriate actuarial method as a part of the determination of each respective employer contribution rate to each respective retirement system determined under KRS 61.565.

(3) The premium required to provide hospital and medical benefits under this section shall be paid in full from the insurance fund for all recipients of a retirement allowance from any of the three (3) retirement systems where such recipient is a retired former member of one (1) or more of the three (3) retirement systems (not a beneficiary or dependent child receiving benefits) and had two hundred and forty (240) months or more of service upon retirement. Should such recipient have less than two hundred forty (240) months of service but have at least one hundred eighty (180) months of service, seventy-five percent (75%) of such premium shall be paid from the insurance fund provided such recipient agrees to pay the remaining twenty-five percent (25%) by payroll deduction from his retirement allowance. Should such recipient have less than one hundred eighty (180) months of service but have at least one hundred twenty (120) months of service, fifty percent (50%) of such premium shall be paid from the insurance fund provided such recipient agrees to pay the remaining fifty percent (50%) by payroll deduction from his retirement allowance. Should such recipient have less than one hundred twenty (120) months of service but have at least forty-eight (48) months of service, twenty-five percent (25%) of such premium shall be paid from the insurance fund provided such recipient agrees to pay the remaining seventy-five percent (75%) by payroll deduction from his retirement allowance. Notwithstanding the foregoing provisions of this subsection, a state police retirement system member or a hazardous position employe, as defined in KRS 61.592, who becomes disabled in line of duty, as defined in KRS 16.505(20), shall have his premium paid in full as if he had two hundred forty (240) months or more of service. "Months of service" as used in this section shall mean the total months of combined service used to determine benefits under any or all of the three (3) retirement systems except service added to determine disability benefits shall not be counted as "months of service".

(4) Group rates under the hospital and medical insurance plan shall be made available to the spouse and dependents of a recipient who was a former member of one (1) or more of the three (3) retirement systems, and to the beneficiary where such beneficiary is receiving a retirement allowance, provided the premium for the spouse, dependent or beneficiary hospital and medical insurance is paid by payroll deduction from such retirement allowance.

(5) Premiums paid for hospital and medical insurance coverage procured under authority of this section shall be exempt from any premium tax which might otherwise be required under KRS Chapter 136. The payment of premiums by the insurance fund shall not constitute taxable income to an insured recipient. No commission shall be paid for hospital and medical insurance procured under authority of this section.

(6) This section shall be effective July 1, 1978.

Section 10. KRS 61.510 is amended to read as follows:

As used in KRS 61.515 to 61.692, unless the context otherwise requires:

(1) "System" means the Kentucky employes retirement system created by KRS 61.515 to 61.692;

(2) "Board" means the board of trustees of the system as provided in KRS 61.645;

(3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.515 to 61.692, the members, officers and employes of the general assembly and any other body, entity or instrumentality designated by executive order by the governor, shall be deemed to be a department notwithstanding whether said body, entity or instrumentality is an integral part of state government;

(4) "Examiner" means the medical examiner or examiners as provided in KRS 61.665;

(5) "Employe" means the members, officers and employes of the general assembly and every regular full-time appointed or elective officer or employe of a participating department, including the department of military affairs. The term shall not, however, include persons engaged as independent contractors, seasonal, emergency, temporary and part-time workers. In case of any doubt, the board shall determine if a person is an employe within the meaning of KRS 61.515 to 61.692;

(6) "Employer" means a department or any authority of such department having the power to appoint or select an employe in such department, including the senate and the house of representatives;

(7) "State" means the commonwealth of Kentucky;

(8) "Member" means any employe who is included in the membership of the system or any former employe whose membership has not been terminated under KRS 61.535;

(9) "Service" means the total of current service and prior service as defined herein;

(10) "Current service" means the number of years and months of employment as an employe, on and after July 1, 1956, (except that for members, officers and employes of the general assembly this date shall be January 1, 1960) for which creditable compensation is paid and employe contributions deducted except as otherwise provided in KRS 61.552(7) and KRS 61.555, and each member, officer and employe of the general assembly shall be credited with a month of current service for each month he occupies such position during a legislative biennium subsequent to January 1, 1960;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, prior to July 1, 1956, for which creditable compensation was paid; except that, for members, officers and employes of the general assembly this date shall be January 1, 1960. An employe shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work; provided, however, that each member, officer and employe of the general assembly shall be credited with a month of prior service for each month he occupied such position during a legislative biennium prior to January 1, 1960;

(12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(13) "Creditable compensation" means all salary, wages and fees paid to the employe as a result of services performed for the employer, except that for members of the general assembly it shall mean an assumed salary of $18,000 per annum which shall include per diem and expense payments authorized by KRS chapter 6. The creditable compensation of members, officers and employes of the general assembly shall be calculated as having been received in equal amounts for each month of the biennium. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money;

(14) "Final compensation" of a member means the creditable compensation of the member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). Said five (5) years may be fractional and need not be consecutive. In the event the number of months of service credit during such five (5) year period is less than forty-eight (48), one or more additional fiscal years shall be used;

(15) "Final rate of pay" means the actual rate upon which earnings of an employe were calculated during the twelve (12) months period immediately preceding the member's effective retirement date *except for members of the general assembly the "final rate of pay" shall be the creditable compensation.* Such rate shall be certified to the board by the employer and the following equivalents shall be used to convert said rate to an annual rate; 1,950 hours, 260 days, 52 weeks, 12 months, one year;

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board except in cases of disability retirement the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, provided however, that no disability retirement option shall be less than the same option computed under early retirement;

(18) "Normal retirement date" means the sixty-fifth birthday of a member unless otherwise provided in KRS 61.515 to 61.692;

(19) "Fiscal year" of the system means the twelve (12) months from July 1, through the following June 30;

(20) "Officers and employes of the general assembly" means the occupants of those positions enumerated in KRS 6.150 and the assistants if employed by the general assembly for at least six (6) legislative bienniums; and

(21) "Regular full-time positions" as used in KRS 61.510(5) shall mean all positions as set forth in KRS chapter 18 as provisional full-time, probationary full-time and permanent full-time, all positions of local health departments meeting the definitions as set forth in KRS chapter 18 of provisional full-time, probationary full-time and permanent full-time and all other positions except:

(a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year;

(b) Emergency positions which are positions which do not exceed thirty (30) working days and are nonrenewable;

(c) Temporary positions which are positions of employment with a participating department for a period of time not to exceed six (6) months in any event and not renewable;

(d) Part-time positions which are positions which may be permanent in duration, but which require less than an annual or fiscal year average of one hundred (100) hours of work per month in the performance of duty;

(22) "Delayed contribution payment" means an amount paid by an employe for current service obtained under KRS 61.552. Such amount shall be determined using the same formula adopted by the board for purchase of service under KRS 61.552(7) except the employe shall pay a single payment of 50% of the total cost of such service with no cost to the employer. A delayed contribution payment shall be deposited to the member's contribution account and considered as accumulated contributions of the individual member;

(23) "Parted employer" means a department, portion of a department, board or agency (such as Outwood Hospital and School) which previously participated in the system, but due to lease, or other contractual arrangement is now operated by a publicly held corporation or other similar organization, and therefore, no longer participating in the system.

Section 11. KRS 61.542 is amended to read as follows:

(1) Prior to *the time the first* retirement *allowance payment is drawn by the state treasurer:*

(a) Each member shall designate a principal beneficiary and may designate a contingent beneficiary. This designation shall remain in full force and effect until change by the member except, a final divorce decree terminates an ex-spouse's status as beneficiary, unless the member redesignates the ex-spouse as beneficiary subsequent to the issuance of the divorce decree;

(b) In the event the death of the principal beneficiary precedes the death of the member, *or in the event the principal beneficiary is terminated as provided in subsection (a) of this section,* the contingent beneficiary becomes the principal beneficiary [provided the member has not filed a notification of retirement with the board]; [and]

(c) In the event the member is survived by his principal beneficiary who subsequently dies prior to filing the necessary forms prescribed under authority of KRS 61.590 because of circumstances rendering such person unable to act, the contingent beneficiary shall become the principal beneficiary; and

(d) [(c)] In the event the deaths of the principal beneficiary and the contingent beneficiary precede the death of the member, the estate of the member becomes the beneficiary provided the member has not filed a notification of retirement with the board.

(2) *When the first retirement allowance payment is drawn by the state treasurer and subsequent thereto* [Subsequent to retirement]:

(a) The beneficiary designated by the member on his notification of retirement supersedes the designation of any *and all* previous *beneficiaries* [beneficiary]. If the death of *the* [this] beneficiary *named on the notification of retirement* precedes the date the first benefit payment has been drawn by the state treasurer, the member may designate another beneficiary *on his notification of retirement*; and

(b) A member shall not have the right to change his beneficiary after the first benefit payment has been drawn by the state treasurer. The estate of the retired member becomes the beneficiary if the date of death of the beneficiary precedes or coincides with the date of death of the retired member or if the retired member had designated a spouse and they were divorced on the date of the retired member's death.

(3) In the event a beneficiary is convicted of a crime against the member, the beneficiary shall not be eligible for any benefits from the member's account, and the member's estate shall become the beneficiary.

Section 12. KRS 61.543 is amended to read as follows:

(1) Employe contributions shall be deducted each payroll period from the creditable compensation of each employe of an agency participating in the retirement system while he is classified as regular full-time as defined in KRS 61.510 unless such person did not elect to become a member as provided by subsection (2) of

KRS 61.525. Service credit will be allowed for each month such contributions are deducted during a fiscal or calendar year, provided the member receives creditable compensation for an average of one hundred (100) hours or more of work per month. If the average number of hours of work is less than one hundred (100) per month, the member shall be allowed credit only for those months he receives creditable compensation for one hundred (100) hours of work.

(2) Employe contributions shall not be deducted from the creditable compensation of an employe while he is seasonal, emergency, temporary or part-time. No service credit will be earned.

(3) Contributions shall not be made and no service credit will be earned by a member while on leave except:

(a) A member on military leave shall be entitled to service credit in accordance with KRS 61.555; and

(b) A member on educational leave, approved by the department of personnel, who is receiving 75% or more of full salary, shall receive service credit and shall pay employe contributions in accordance with KRS 61.560 and his employer shall pay employer contributions in accordance with KRS 61.565. If a tuition agreement is broken by the member the member and employer contributions paid during the period of educational leave shall be refunded.

(4) The retirement office, upon detection, shall refund erroneous employer and employe contributions made to the retirement system.

Section 13. KRS 61.555 is amended to read as follows:

(1) Prior to July 1, 1976, any employe entering the armed forces of the United States after he first participates in the system, being on leave of absence from service and not withdrawing his accumulated contributions, shall be entitled to have credited as current service his period of service in the armed forces of the United States, not to exceed six (6) years, if his discharge therefrom is honorable and he is re-employed within two (2) years after discharge, or upon the subsequent termination of any total disability which existed at the expiration of the two (2) years after discharge.

(2) Any member of the system who, prior to the date he first participated in the system, terminated his employment in order to enter the armed forces of the United States and who was or is re-employed within two (2) years after his honorable discharge therefrom, or upon the subsequent termination of any total disability which existed at the expiration of the two (2) years after discharge, shall be entitled to have credited as prior service his period of service in the armed forces, not to exceed six (6) years.

(3) Any national guard technician involuntarily serving on active military duty during the period between January 26, 1968, and January 1, 1970, who completes his eight (8) years service while on military duty during this period, shall have that portion of his service, necessary to the completion of eight (8) years current service, credited to his account, as current service without having to meet the re-employment criteria.

(4) Any employe eligible for retirement as prescribed in KRS 61.559 or any employe upon completion of five (5) years of service shall receive current service for a maximum of four (4) years for his period of service in the armed forces of the United States, if his discharge therefrom is honorable and he has not been credited with such service under subsections (1) to (3) of this section provided he pays thirty-five percent (35%) of the cost of such service based on the formula adopted by the board. The payment by the member shall be deposited to his individual member's account. The remaining sixty-five percent (65%) shall be paid by the state from funds appropriated specifically for such purpose and these payments shall be deposited to the respective retirement allowance accounts. If no funds are available in the special appropriation account the board shall not accept employe payments until such time funds are available in the account.

(5) A member eligible to purchase military service credit under subsection (4) of this section shall receive current service credit for military service as provided under subsection (4) of this section without payment of the current employe contribution ratio if such member was taken prisoner by a hostile power at any time during [his] active military service.

(6) Effective July 1, 1978, no veteran shall be eligible to purchase military service credit under this section if he is receiving a military pension or is eligible for such pension in the future. Provided, that nothing in this section shall prohibit such purchase of credit where the military pension results from service primarily on inactive duty in a reserve component of the armed forces.

Section 14. KRS 61.559 is amended to read as follows:

(1) *In lieu of any other benefits due under KRS 61.505 to 61.692 and KRS 78.520 to 78.852 a member who has attained the age of sixty-five (65) may elect to receive an annual retirement allowance payable monthly or less frequently as determined by the board which shall be determined by multiplying his accumulated contributions by two (2) and converting this amount to an annual retirement allowance based on an annuity rate adopted by the board which would pay the acturial equivalent of twice his accumulated contributions over the lifetime of the retired member.* [The service required for a retirement allowance determined under KRS 61.595 for a member who earns a month of service credit in the month he becomes sixty-five (65) years of age or in some month thereafter, shall be forty-eight (48) months, at least twelve (12) of which are current service.]

(2) A member [who does not earn a month of service credit in the month he becomes] sixty-five (65) years of age or *older* [in some month thereafter] is eligible for a retirement allowance determined under KRS 61.595 [upon attainment of age 65] *provided such member has forty-eight (48) months of service, at least twelve (12) of which are current service,* or a retirement allowance determined under KRS 61.595 prior to age 65 provided:

(a) The member has attained age 55 and has service of sixty (60) months at least twelve (12) of which are current service; or

(b) The member is a retired member of the state police retirement system, has attained age 55, and has service of forty-eight (48) months at least twelve (12) of which are current service; or

(c) The member has thirty (30) or more years of service at least fifteen (15) of which are current service; or

(d) The member has attained age 55 and was an employe of a parted employer at the time his employer became ineligible to continue participation in the system, and his service in the system when added to his service with the parted employer subsequent to his separation from state government equals the early retirement service eligibility requirement of the system on the date his employer became ineligible to continue participation in the system.

Section 15. KRS 61.575 is amended to read as follows:

(1) The members' contribution account shall be the account to which all members' contributions and interest allowances as provided in KRS 61.510 to 61.692 shall be credited. From this account shall be paid the accumulated contributions of a member required to be returned to him upon withdrawal, or paid in the event of his death before retirement.

(2) Each member's contribution shall be credited to the individual account of the contributing member.

(3) Each member on June 30 of each year shall have his individual account credited with interest at a rate determined by the board but not less than two per cent (2%) per annum on the accumulated contributions of the member on June 30 of the preceding fiscal year and the amounts so credited shall be transferred from the retirement allowance account. [Notwithstanding the provisions of this subsection, a member who has ceased to make contributions to the system shall thereafter be credited with interest only for a period of years equal to his years of current service credit.]

(4) Upon the retirement of a member, his accumulated contributions shall be transferred from the members' contribution account to the retirement allowance account.

Section 16. KRS 61.615 is amended to read as follows:

(1) Whenever the recipient of a disability retirement allowance is, prior to his normal retirement date, engaged in gainful occupation, the board at its discretion may reduce such retirement allowance. *Each recipient of a disability retirement allowance who is engaged in gainful employment shall notify the board of such employment; otherwise, the board shall have the right to recover payments made during such employment.*

(2) Should it be determined that any disabled recipient is able to engage in gainful occupation, and should the board find that such person shall have refused any employment considered by the board suitable to his capacity, he shall not be entitled to any such allowance during the continuance of such refusal, unless in the opinion of the board such refusal was justified.

(3) The board shall have full power and exclusive authority to reduce or discontinue a disability retirement allowance and the board shall utilize procedures consistent with KRS 61.665, including services of an examiner in determining the amount of reduction in retirement allowance under this section.

(4) No disability retirement allowance shall be reduced or discontinued by the board after the member's normal retirement date except in case of re-employment as provided for by KRS 61.637. In any case where a disability retirement allowance has been reduced or discontinued, except where the member is re-employed as provided for by KRS 61.637, the retirement allowance shall be reinstated upon attainment of the member's normal retirement age to the retirement allowance prior to adjustment, provided however, no reinstated payment shall be less than the recipient is receiving upon attainment of the member's normal retirement age.

Section 17. KRS 61.637 is amended to read as follows:

(1) A retired member who is receiving monthly retirement payments under any of the provisions of KRS 61.510 to 61.692 and 78.510 to 78.852 and who is reemployed as an employe by a participating agency, shall have his retirement payments suspended for the duration of such reemployment. Monthly payments shall not be suspended for a retired member who is reemployed in a seasonal, emergency, temporary, part-time, or full-time position if he anticipates that he will receive less than the maximum permissible earnings as provided by the Federal Social Security Act in compensation as a result of reemployment during the calendar year. The payments shall be suspended at the beginning of the month in which the reemployment occurs.

(2) Employer and employe contributions shall be made as provided in KRS 61.510 to 61.692 and 78.510 to 78.852 on the compensation paid during such reemployment except where monthly payments were not suspended as provided in subsection (1) of this section and the member shall be credited with additional service credit.

(3) In the month following the termination of reemployment, retirement allowance payments shall be reinstated under the plan the member was receiving payments prior to reemployment.

(4)(a) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member, or his estate, provided he does not receive more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment.

(b) In the event the retired member is paid suspended payments retroactively in accordance with this section, employe contributions deducted during his period of reemployment, if any, shall be refunded to the retired employe and no service credit shall be earned for the period of reemployment.

(c) In the event the retired member is not eligible to be paid suspended payments for his period of reemployment as an employe, his retirement allowance shall be recomputed under the plan the member was receiving payments prior to reemployment as follows:

1. The retired member's final compensation shall be recomputed using creditable compensation for his period of reemployment; however, the final compensation resulting from the recalculation shall not be less than that of the member when his retirement allowance was last determined.

2. If the retired member initially retired on or subsequent to his normal retirement date his retirement allowance shall be recomputed by using the formula in subsection (1) of KRS 61.595.

3. If the retired member initially retired prior to his normal retirement date his retirement allowance shall be recomputed using the formula in subsection (2) of KRS 61.595, except that the member's age used in computing benefits shall be his age at the time of his initial retirement increased by the number of months of service credit earned for service performed during reemployment.

4. The retirement allowance payments resulting from the recomputation under this subsection shall be payable in the month following the termination of reemployment in lieu of payments under subparagraph 3 provided, however, the member shall not receive less in benefits as a result of the recomputation than he was receiving prior to reemployment or would receive as determined under KRS 61.691.

5. Any retired member who was reemployed prior to March 26, 1974 shall begin making contributions to the system in accordance with the provisions of this section on the first day of the month following March 26, 1974.

(5) A retired member, or his estate, shall pay to the retirement fund the total amount of payments which are not suspended in accordance with subsection (1) of this section if the member received more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment, *except such retired member or his estate may repay the lesser of the total amount of payments which were not suspended or fifty cents (50¢) of each dollar earned during reemployment over the maximum permissible earnings.*

(6)(a) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the personnel board under authority of KRS 18.270.

(b) A retired member who has been ordered reinstated by the personnel board under authority of KRS 18.270 and accepts employment by an agency participating in the Kentucky employes retirement system shall void his retirement by reimbursing the system in the full amount of his retirement allowance payments received.

(7) In the event a retired hazardous position member or a member of the state police retirement system is receiving benefits under partial disability as provided for under Chapter 321, Section 9, Acts of the 1976 General Assembly and is reemployed in a nonhazardous position, the board is hereby authorized to waive or modify the foregoing provisions of this section and permit such person to receive a partial disability retirement allowance while accruing retirement benefits in a nonhazardous position.

Section 18. KRS 61.665 is amended to read as follows:

(1) The board shall, from time to time, employ one (1) or more physicians, practicing in the state and not members of the system, upon such terms and conditions as it may prescribe, whose duty it shall be to pass upon all medical examinations required under KRS 61.510 to 61.692 and 16.505 to 16.652 and 78.510 to 78.852 or by the board, and to investigate all health or medical statements and certificates made by or in behalf of any person in connection with the payment of money to such person under KRS 61.510 to 61.652 and 16.505 to 61.692 and 78.510 to 78.852, and shall report in writing to the board his conclusions and recommendations upon all matters referred to him.

(2)(a) Each employe requesting disability retirement shall furnish the retirement office with the names and addresses of physicians who have the necessary information to report the employe's physical and mental condition.

(b) The board shall prescribe forms upon which medical evidence shall be recorded. The forms shall be sent to the employe's physicians with the request that the documents be filed with the board.

(c) The cost of *a* [the] medical examination shall be paid by the employe. The physician shall be paid a reasonable amount by the retirement system for the filing of the medical report with the retirement office.

(d) The board shall select a medical examiner who shall evaluate the medical evidence submitted by the employe's physician. The examiner shall recommend that disability retirement be approved, or that disability retirement be denied.

(e) If the medical examiner recommends that the employe be approved for disability retirement, the general manager shall proceed to make retirement payments in accordance with the retirement plan selected by the employe.

(f) If the medical examiner recommends that the employe be denied disability retirement, the general manager shall notify the board and the employe of this recommendation. The employe shall have the opportunity of furnishing additional medical evidence of total and permanent disability and any such additional evidence shall be submitted to the medical examiner.

(g) The medical examiner shall be paid a reasonable amount by the retirement system for each case evaluated.

(3) Notwithstanding the foregoing provisions of this section the board is hereby authorized to pay for one (1) or more medical examinations requested by the examiner for the purpose of providing medical information deemed necessary by the examiner.

Section 19. KRS 61.691 is amended to read as follows:

(1)(a) Effective July 1, *1979* [1976], a recipient of a retirement allowance under KRS 16.505 to 16.652 and 61.510 to 61.692 and 78.510 to 78.852 shall have his retirement allowance increased by two per cent (2%) for each year since his effective retirement date as provided under KRS 61.590, subject to a maximum increase of *five percent (5%)* [20%], except a recipient of an early retirement allowance under KRS 16.577, 61.595(2) and 78.680(2), shall not receive such increase unless the retired member's age is within five (5) years of his normal retirement date.

(b) Any fractional portion of a year shall be computed on a pro-rata basis.

[(2) Effective July 1, 1977, the retirement allowance of each recipient of a retirement allowance under KRS 16.505 to 16.652 and 61.510 to 61.692 and 78.510 to 78.852 shall be increased in the amount of one-twelfth of two per cent (1/12 of 2%) for each month since his effective retirement date as prescribed under KRS 61.590, subject to a maximum increase of two per cent (2%) except a recipient of an early retirement allowance under KRS 16.577, 61.595(2) and 78.680(2) shall not receive such increase unless the retired member's age is within five (5) years of his normal retirement date.]

(2) [(3)] A reemployed retired member whose payments are suspended as provided under KRS 61.637 shall be eligible for an increase in his suspended retirement allowance as provided under this section, computed as if he were receiving said retirement allowance at the time such increase under this section is effective.

Section 20. KRS 78.510 is amended to read as follows:

As used in KRS 78.520 to 78.852, unless the context otherwise requires:

(1) "System" means the county employes retirement system;

(2) "Board" means the board of trustees of the system as provided in KRS 78.780;

(3) "County" means any county or political subdivision or instrumentality, including school boards, or urban county government participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and provided the board is willing to accept such agency or corporation, the board being hereby granted the authority to determine the eligibility of such agency to participate;

(4) "School board" means any board of education participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and provided the board is willing to accept such agency or corporation, the board being hereby granted the authority to determine the eligibility of such agency to participate;

(5) "Examiner" means the medical examiner or examiners as provided in KRS 61.665;

(6) "Employe" means every regular full-time appointed or elective officer or employe of a participating county. The term shall not, however, include persons engaged as independent contractors, seasonal, emergency, temporary and part-time workers. In case of any doubt, the board shall determine if a person is an employe within the meaning of KRS 78.520 to 78.852;

(7) "Employer" means a county, the electorate of a county, or any authority of such county having the power to appoint or elect an employe to office or employment in such county.

(8) "Member" means any employe who is included in the membership of the system or any former employe whose membership has not been terminated under KRS 61.535;

(9) "Service" means the total of current service and prior service as defined herein;

(10) "Current service" means the number of years and months of employment as an employe, on and after July 1, 1958, for which creditable compensation is paid and employe contributions deducted except as otherwise provided in KRS 61.552(7), 61.555 and 78.530;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, prior to July 1, 1958, for which creditable compensation was paid. An employe shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work;

(12) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(13) "Creditable compensation" means all salary, wages and fees paid to the employe as a result of services performed for the employer. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money;

(14) "Final compensation" of a member means the creditable compensation of the member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that five-year period multiplied by twelve (12). Said five (5) years may be fractional and need not be consecutive. In the event the number of months of service credit during such five-year period is less than forty-eight (48), one or more additional fiscal years shall be used;

(15) "Final rate of pay" means the actual rate upon which earnings of an employe were calculated during the twelve (12) months period immediately preceding the member's effective retirement date. Such rate shall be certified to the board by the employer and the following equivalents shall be used to convert said rate to an annual rate: 1,950 hours, 260 days, 52 weeks, 12 months, one year;

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board except in case of disability retirement the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, provided however, that no disability retirement option shall be less than the same option computed under early retirement;

(18) "Normal retirement date" means the sixty-fifth (65th) birthday of a member unless otherwise provided in KRS 78.520 to 78.852;

(19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30;

(20) "Agency reporting official" means the person designated by the participating agency to file reports with the county employes retirement system;

(21) "Regular full-time positions" as used in subsection (6) of this section shall mean all positions except:

(a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year;

(b) Emergency positions which are positions which do not exceed thirty (30) working days and are non-renewable;

(c) Temporary positions which are positions of employment with a participating agency for a period of time not to exceed twelve (12) months in any event and not renewable;

(d) Part-time positions which are positions which may be permanent in duration, but which require less than an annual or fiscal year average of one hundred (100) hours of work per month in the performance of duty, except in case of school bus drivers for school boards, in which event the school term average shall be eighty (80) hours of work per month in the performance of duty; and

(22) "Alternate participation plan" means a new method of participation in the system as provided for by KRS 78.530(3) which shall become effective July 1, 1973.

Section 21. KRS 78.530 is amended to read as follows:

(1) Each county and school board as defined in KRS 78.510 will participate in the system by appropriate order authorizing such participation which has been entered and duly recorded in the records of the governing body of the county or school board. The authority to issue and properly record such order of participation being hereby granted, permits such county to participate in the system. The effective date of such participation shall be fixed in the order.

(2) Once a county or school board participates it shall thereafter continue to participate except as provided in KRS 78.535.

(3)(a) Concurrent with the adoption of the appropriate resolution to participate in the system, a county may elect the alternate participation plan which will require the county to purchase on behalf of each employe electing coverage, at the time the county elected to participate in the system as provided under KRS 78.540(2) current service credit between July 1, 1958 and the participation date of the county. Cost of such service credit over and above that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of such actuarial service shall be paid by the county.

(b) The county shall establish a payment schedule subject to approval by the board for payment of the cost of such service over and above that which would be funded within the existing employer contribution rate. The maximum period allowed in a payment schedule shall be *thirty (30)* [10] years with interest at the rate actuarially assumed by the board: however, a shorter period is desirable and the board may approve any payment schedule provided it is not longer than a *thirty (30)* [ten (10)] year period [except that agreements made before December 31, 1973 which provide for a longer payment period may be honored by the board].

(4) Every school board not participating on June 21, 1974, shall enact a resolution of participation no later than July 1, 1976.

(5) The order of the governing body of a county, as provided for in subsection (1) of this section, may exclude from participation in the system, hospitals and any other semi-independent agency. Each such excluded agency shall be identified in the order authorizing participation and such excluded agency may participate in the system as a separate agency.

(6) An agency whose participation in the county employes retirement system has been terminated by the board of trustees in accordance with KRS 78.535 may at a later date request participation in the retirement system by the adoption of an appropriate order as authorized by subsection (1) of this section. The board may accept the participation of such agency provided it is determined that such participation is in the best interest of the agency, the employes thereof and the county employes retirement system.

Section 22. KRS 78.531 is amended to read as follows:

(1) Any member of a retirement system created pursuant to KRS 90.300 through 90.420, *79.080, 95.520 through 95.620, 96.180, 67A.320, 67A.340, 95.621 through 95.629 and 95.767 through 95.784* notwithstanding any provisions of the statutes to the contrary, may elect to terminate coverage under the retirement system in which he is a member, if the city or urban-county government has adopted the provisions of the county employes retirement system pursuant to KRS 78.510 through 78.852.

(2) If the city or urban-county government elects the alternate participation plan, as set forth in KRS 78.530(3), employe contributions made to the fund under authority of KRS 90.400(1), *90.410, 79.080, 95.520 through 95.620, 95.621 through 95.629, 95.767 through 95.785, 96.180, 67A.320 or 67A.340* shall be paid to the county employes retirement system and credited to the individual member's account in the system for any employe electing to terminate coverage under the provisions of this section. Proper credit for these employe contributions shall be given to the city or urban county government in computing the cost of participation under the alternate participation plan as provided by KRS 78.530(3).

(3) If the city or urban-county government does not elect the alternate participation plan as set forth in KRS 78.530(3), the employe contributions paid into the fund under authority of KRS 90.400(1), *90.410, 79.080, 95.520 through 95.620, 95.621 through 95.629, 95.767 through 95.785, 96.180, 67A.320 or 67A.340* by each employe electing to terminate coverage under the provisions of this section shall be refunded to the employe *with* [without] interest *as specified in the applicable statute*, unless the employe has a vested account in which case he may elect to leave his contributions in the fund in order to later receive a pension when he becomes eligible.

Section 23. KRS 78.545 is amended to read as follows:

The following matters shall be administered in the same manner subject to the same limitations and requirements as provided for the Kentucky employes retirement system as follows:

(1) Cessation of membership, conditions, as provided for by KRS 61.535;
(2) Statement of member and employer, as provided for by KRS 61.540;
(3) Beneficiary to be designated by member, change, rights, as provided for by KRS 61.542;
(4) Service credit determination, as provided for by KRS 61.545;
(5) Cessation of membership, loss of benefits, as provided for by KRS 61.550;
(6) Service credit, armed forces, as provided for by KRS 61.555;
(7) Normal and early retirement eligibility requirements, as provided for by KRS 61.559;
(8) Retirement allowance increases as provided for by KRS 61.691;
(9) Retirement application procedure, effective retirement date, as provided for by KRS 61.590;
(10) Disability retirement, conditions, as provided for by KRS 61.600;
(11) Disability retirement, allowance, as provided for by KRS 61.605;
(12) Medical examination after disability retirement, as provided for by KRS 61.610;
(13) Disability retirement allowance, reduction, as provided for by KRS 61.615;
(14) Determination of retirement allowance as provided for by KRS 61.595;

(15) Refund of contributions, conditions, as provided for by KRS 61.625;
(16) Refund of contributions, death after retirement, as provided for by KRS 61.630;
(17) Optional retirement plans as provided for by KRS 61.635;
(18) Suspension of retirement payments on reemployment, reinstatement, as provided for by KRS 61.637;
(19) Death before retirement, beneficiary's options, as provided for by KRS 61.640;
(20) Board of trustees, conflict of interest, as provided for by KRS 61.655;
(21) Custodian of funds, payments made, when, as provided for by KRS 61.660;
(22) Medical examiners, as provided for by KRS 61.665;
(23) Actuarial bases, as provided for by KRS 61.670;
(24) Employer's administrative duties, as provided for by KRS 61.675;
(25) Correction of errors in records, as provided for by KRS 61.685;
(26) Exemptions of retirement allowances, as provided for by KRS 61.690;
(27) Credit for service prior to membership date, as provided for by KRS 61.526;
(28) Creditable compensation of fee officers, as provided for by KRS 61.541;
(29) Transfer of dormant accounts, as provided for by KRS 61.626;
(30) Members' account, confidential, as provided for by KRS 61.661;
(31) Retirement plan for employes determined to be in a hazardous position, as provided for by KRS 61.592 [, except that a county employes retirement system member in a hazardous position may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to two and twenty-five hundredths percent (2.25%) of final compensation for each year of service credit];
(32) Maximum disability benefit, as provided for by KRS 61.607;
(33) Consent to employes to deductions and reciprocal arrangement between systems, as provided for by KRS 61.680;
(34) Employer contributions, as provided for by KRS 61.565; and
(35) Recontribution and delayed contribution payments, as provided for by KRS 61.552.

Section 24. KRS 78.615 is amended to read as follows:

(1) Employe contributions shall be deducted each payroll period from the creditable compensation of each employe of an agency participating in the system while he is classified as regular full-time as defined in KRS 78.510 unless such person did not elect to become a member as provided by subsection (2) of KRS 78.540. Service credit will be allowed for each month such contributions are deducted during a fiscal or calendar year, provided the employe receives creditable compensation for an average of one hundred (100) hours or more of work per month. If the average number of hours of work is less than one hundred (100) hours per month, the employe shall be allowed credit only for those months he receives creditable compensation for one hundred (100) hours of work.

(2) Employe contributions shall not be deducted from the creditable compensation of any employe while he is seasonal, emergency, temporary or part-time. No service credit will be earned.

(3) Contributions shall not be made and no service credit will be earned by a member while on leave except:

(a) A member on military leave shall be entitled to service credit in accordance with KRS 61.555; and

(b) A member on educational leave who meets the criteria established by the state department of personnel for approved educational leave, who is receiving 75% or more of full salary shall receive service credit and shall pay member contributions in accordance with KRS 78.610 and his employer shall pay employer contributions in accordance with KRS 61.565. If a tuition agreement is broken by the member the member and employer contributions paid during the period of educational leave shall be refunded.

(4) The retirement office, upon detection, shall refund erroneous employer and employe contributions made to the retirement system.

Section 25. KRS 78.640 is amended to read as follows:

(1) The members' contribution account shall be the account to which all members' contributions and interest allowances as provided in KRS 78.510 to 78.880 shall be credited. From this account shall be paid the accumulated contributions of a member required to be returned to him upon withdrawal, or paid in the event of his death before retirement.

(2) Each member's contribution shall be credited to the individual account of the contributing member.

(3) Each member on June 30 of each year shall have his individual account credited with interest at a rate determined by the board but not less than two per cent (2%) per annum on the accumulated contributions of the member on June 30 of the preceding fiscal year and the amounts so credited shall be transferred from the retirement allowance account. [Notwithstanding the provisions of this subsection, a member who has ceased to make contributions to the system shall thereafter be credited with interest only for a period of years equal to his years of current service credit.]

(4) Upon the retirement of a member, his accumulated contributions shall be transferred from the members' contribution account to the retirement allowance account.

SECTION 26. A NEW SECTION OF KRS CHAPTER 95 IS CREATED TO READ AS FOLLOWS:

If the board of trustees of any pension system created pursuant to KRS 95.520 through 95.620, 95.621 through 95.629, or 95.767 through 95.785 has not subjected the pension fund to an actuarial evaluation within three (3) years prior to July 1, 1978, an evaluation shall be performed by December 31, 1978. If an evaluation has been performed within three (3) years prior to July 1, 1978, the fund shall be evaluated again within three (3) years after the prior evaluation. Thereafter each fund shall be actuarially evaluated at least once every three (3) years. All such evaluations shall be performed by enrolled actuaries at the expense of the pension fund.

The Committee Amendment to **SB 215** is as follows:

Amend printed copy of **SB 215** on page 18, line 18, by inserting after "member" and before the comma, the words "*of the general assembly who elect to retain membership in the system*";

and on page 19, line 21, by inserting, after "1960" and before the semicolon, the words "*and until he elects to become a member of the judicial and legislative retirement system*";

and on page 55, line 26, by adding the following:

"SECTION 27. A NEW SECTION OF KRS 21.345 TO 21.520 IS CREATED TO READ AS FOLLOWS:

(1) effective January 1, 1978, the retirement system established by KRS 21.345 to 21.520 shall extend to and embrace the members of the general assembly upon their election to participate therein in accordance with subsection (2) of this section.

(2) Each member of the general assembly in office on January 3, 1978 may, within thirty (30) days after June 1, 1978, and any member of the general assembly thereafter taking office may within thirty (30) days after taking office, elect to make monthly contributions to the system established by KRS 21.345 to 21.520 in an amount equal to three percent (3%) of his monthly official salary. The election shall be effective to the member thereafter takes office, as the case may be. The election shall be addressed and filed and have effect the same as an election made by a justice or judge under KRS 21.360.

Section 28. KRS 21.345 is amended to read as follows:

(1) For the purposes of KRS 21.350 to 21.510, "retirement" means a voluntary resignation or a failure of re-election, but does not include a removal for cause.

(2) The word "service" as used in KRS *21.345 to 21.520* [21.370 to 21.480] means service as a judge or commissioner of the Court of Appeals, or as a regular circuit judge, or as director of the administrative office of the courts, *or as a member of the general assembly after January 1, 1978,* including service in one (1) and then another of those capacities.

(3) For the purposes of KRS 21.345 to 21.520, a "year" of service means a total of twelve (12) months of service, which need not be in the same calendar year. Service in any calendar month shall be deemed to constitute a month of service.

(4) *"Official salary", as it relates to members of the general assembly, shall mean an assumed salary of $18,000 per annum which shall include per diem and expense payments authorized by KRS chapter 6.*

(5) "Final compensation", as it relates to members of the general assembly, shall mean the average monthly compensation of the member for the sixty (60) months he was paid at the highest monthly rate preceding his retirement based upon his official salary.

(6) "System" shall mean the judicial and legislative retirement system established by KRS 21.345 to 21.520.

(7) The provisions of this section shall not apply to any director of the administrative office of the courts appointed after January 1, 1976, nor shall they apply to any commissioner of the Court of Appeals not appointed prior to January 1, 1976. The administrative director of the courts an commissioners of the Court of Appeals appointed prior to January 1, 1976, shall continue to be members of the system so long as they continue to render service in any capacity in or for the Court of Justice.

Section 29. KRS 21.355 if amended to read as follows:

(1) The judicial *and legislative* retirement system established by KRS *21.345 to 21.530* [21.350 to 21.480] shall extend to and embrace justices of the Supreme Court and judges of the Court of Appeals created by section 111 of the Constitution of Kentucky. Judges of the former Court of Appeals who became justices of the Supreme Court on January 1, 1976, by virtue of the provisions of section 2 of the amendment to the Kentucky Constitution proposed by Chapter 84 of the Acts of 1974 shall not be required to make a new election to participate in the judicial retirement system. Justices of the Supreme Court and judges of the Court of Appeals taking office after January 1, 1976, shall participate in the system only upon election to participate in accordance with KRS 21.360.

(2) Membership in the judicial *and legislative* retirement system shall be confined to justices of the Supreme Court, judges of the Court of Appeals, [and] circuit judges, *and members of the general assembly,* except that any person who held the office of commissioner of the Court of Appeals or director of the administrative office of the courts on December 31, 1975, shall continue in membership so long as he continues to render service in any capacity in or for the Court of Justice. The limitation of membership made by this subsection does not affect rights to benefits based on service rendered before Acts 1976, Chapter 60, took effect.

Section 30. KRS 21.430 is amended to read as follows:

A judicial *and legislative* retirement board is created to consist of *eight (8)* [five (5)] members, three (3) of whom shall be appointed by the Supreme Court, *two (2) of whom shall be members of the House of representatives and one (1) of whom shall be a member of the Senate appointed by the legislative research commission,* and two (2) *of whom shall be appointed* by the governor. The appointments by the Supreme Court may be from among the members of the system. The members of the board shall serve for terms of four (4) years, commencing as of June 16, 1960, and until their successors are appointed and have qualified. The members shall annually elect a chairman. Vacancies shall be filled by the original appointing authority, for the unexpired term. Board members who do not otherwise receive a salary from the state treasury shall receive sixty dollars ($60) for each day they are in session or on official duty. All members shall be reimbursed for their necessary expenses.

Section 31. The Reviser of Statutes shall make the following revisions in KRS 21.345 to 21.520 to conform with Sections 27 through 30 of this Act:

(1) Whenever the phrase "judicial retirement system" appears, change such phrase to "judicial and legislative retirement system"; and

(2) Whenever the phrase "judicial retirement board" appears, change such phrase to "judicial legislative retirement board."

Section 32. There is appropriated to the judicial and legislative retirement system for the purposes of sections 27 to 31 of this Act all sums received after January 1, 1978 by the Kentucky retirement systems from contributions of members of the general assembly who elect to become members of the judicial and legislative retirement system. The amount of accumulated employer contributions to the Kentucky retirement systems after January 1, 1978 on account of members of the general assembly who become members of the judicial and legislative retirement system are hereby transferred to the judicial and legislative retirement system. There is further appropriated out of the general fund in the state treasury to the legislative research commission, for the purpose of making employer contributions under Sections 27 to 29 of this Act, the sum of $813,510 for the fiscal year 1978-79 and the sum of $813,510 for the fiscal year 1979-80. In the event the appropriation for fiscal year 1978-79 or 1979-80 exceeds the amount required to make employer contributions under Sections 27 to 29 of this Act, the surplus shall lapse to the general fund.

The Committee on Health and Welfare reported **HB 643, HR 46, HJR 60** with Committee Amendment attached thereto, **HJR 96, HCR 100, SR 27, SB 97, SB 242** with the expression of opinion tht the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 643, AN ACT relating to the Kentucky advisory board for day care centers and homes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
There is hereby established the Kentucky advisory board for day care centers and homes. The board, to be composed of twelve (12) members, shall be appointed by the governor within thirty (30) days of the effective date of this Act as follows: six (6) members who are owner/directors of proprietary day care centers, three (3) members who are representatives of nonprofit day care centers and three (3) members who are consumers and not employed by state government. For the initial appointments for the board, four (4) members shall be appointed for three (3) year terms and four (4) members shall be appointed for two (2) year terms and four (4) members shall be appointed for a one (1) year term. Vacancies shall be filled in the same manner as original appointment, except that the terms shall be for four (4) years. The department for human resources shall provide appropriate and sufficient staff to carry out the work of the board and provide a meeting place for the board to conduct its business.

SECTION 2. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
The secretary of the department for human resources shall within sixty (60) days following the appointment of the members call a meeting of the Kentucky advisory board for day care centers and homes. The board shall elect a chairman from its members. The chairman shall serve for a period of one (1) year but may be re-elected. The board shall be provided a secretary by the department for human resources who shall have charge of the board's correspondence and keep a record of its proceedings.

SECTION 3. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
A majority of the members of the Kentucky advisory board for day care centers and homes shall constitute a quorum for the transaction of business. The board shall meet at least once every six (6) months and at other such times as it may be called as provided in this section. Special meetings of the board may be called by the chairman, and upon written request of two (2) members the chairman shall call a special meeting of the board to be held not later than twenty (20) days following receipt of the written request. The chairman shall give notice of the meeting through the secretary of the board by mail to each member of the board at least ten (10) days prior to the time of any meeting, unless all members of the board waive such notice in writing.

SECTION 4. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
To effectuate the purpose of this Act, the Kentucky advisory board for day care centers and homes, the board may from time to time request information from any department, bureau, branch, commission, board, or any other agency of the Commonwealth, and the same shall provide such information as will enable the board to properly exercise its powers and perform it duties.

SECTION 5. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:
The Kentucky advisory board for day care centers and homes shall make recommendations to the department for human resources in regard to day care regulations, policies, procedures, and deficiencies of public and private agencies which arrange for the day care of children. The department for human resources shall follow the recommendations of the Kentucky advisory board for day care center and homes unless they object to such recommendations and present a written report detailing their objections to the board. The Kentucky advisory board for day care centers and homes shall also make an annual report including recommendations to the governor and the general assembly with regard to day care regulations, policies, procedures, and deficiencies of public and private agencies which arrange for day care of children.

HR 46, A RESOLUTION relating to the safety of asbestos and fiberglass materials; and for other purposes.

WHEREAS, asbestos and fiberglass may pose serious health problems and hazards for persons working with or around fiberglass or asbestos, or coming in contact therewith; and

WHEREAS, internationally famous medical doctors are reaching completely different conclusions from the same experiments and studies involving asbestos and fiberglass; and

WHEREAS, the size and texture of the asbestos and fiberglass manufactured and the use of such materials may determine the danger or safety of such materials; and

WHEREAS, as representatives of all Kentuckians, this body is concerned with the exposure of the general public to asbestos and fiberglass when there is still much doubt concerning the safety of the materials;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby urge the asbestos and fiberglass industry to substantially increase the amount of money it is spending on research into the effects of asbestos and fiberglass in order to more quickly determine the safety of such products.

Section 2. That the House of Representatives should keep a close watch on developments in medical research with respect to fiberglass and asbestos in order to be prepared to pass any necessary legislation as quickly as possible.

Section 3. That the Clerk is hereby authorized and instructed to transmit a copy of this resolution to the National Insulation Manufacturers Association, Inc., the Sheet Metal Contractors Association, Inc., and the International Association of Heat and Frost Insulators and Asbestos Workers.

HJR 60, A JOINT RESOLUTION to establish a special Council to survey and define the need for minimum standards and training programs for firefighters, including those who serve on a volunteer basis, in the Commonwealth of Kentucky and making an appropriation therefor.

WHEREAS, the ravages of fire have reached an all time high in the Commonwealth of Kentucky and the nation; and

WHEREAS, destruction of life and property by fire has reached such a magnitude that a variety of efforts should be undertaken to diminish these tragic losses; and

WHEREAS, national organizations have recognized that the establishment of minimum standards and training programs for firefighters is critical to the reduction of loss of life and property due to fire; and

WHEREAS, there are approximately 17,000 firefighters, including volunteers, in the Commonwealth of Kentucky who assume responsibility for the protection of life and property from fire; and

WHEREAS, effectiveness of the firefighters in the Commonwealth could be enhanced through the availability of more intensive diverse training programs in fire prevention and fire control techniques;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a special study council is hereby created for a period of two years to study and define the needs for standards and training for firefighters in the Commonwealth of Kentucky and to make such recommendations as deemed appropriate.

Section 2. That the Governor appoint the members of the Council as follows: the state fire marshal or his designee; a representative of the Bureau of Vocational Education, State Department of Education; four fire chiefs; one representative of the Kentucky Firemen's Association who is not a chief officer; a mayor or city manager; a county judge/executive; the Commissioner of the Kentucky State Police or his designee; a representative of the insurance industry; the Commissioner of Training of the Kentucky Department of Justice; the Chairman of the Department of Fire Prevention and Control at Eastern Kentucky University; the director of the Division of Forestry of the Department for Natural Resources and Environmental Protection; and one member at-large.

Section 3. The secretarial and administrative duties associated with the work of the Council shall be provided through the Office of the Commissioner of Training, Kentucky Department of Justice.

Section 4. Members of the Council shall receive no salary but shall be reimbursed for their ordinary and necessary expenses incurred in the performance of their duties.

Section 5. The Council shall meet at least quarterly and shall report at least annually to the Interim Joint Committee on Business Organizations and Professions of the Legislative Research Commission and shall report its findings and recommendations to the 1980 Regular Session of the General Assembly.

Section 6. In order to effectuate the purposes of this resolution, thirty thousand dollars ($30,000) is hereby appropriated from the General Expenditure Fund of the State Treasury for the fiscal year 1978-79 and thirty thousand dollars ($30,000) for the fiscal year 1979-80.

The Committee Amendment to **HJR 60** is as follows:

Amend printed copy of **HR 60** on page 3, line 11, by deleting the word "thirty" and inserting in lieu thereof the word "fifteen" and by deleting the number "($30,000)" and inserting in lieu thereof the number "($15,000)"

and on page 3, line 13, by deleting the word "thirty" and inserting in lieu thereof the word "fifteen"

and on page 3, line 14, by deleting the number "($30,000)" and inserting in lieu thereof the number "($15,000)"

HJR 96, A JOINT RESOLUTION creating a task force on the multiply physically handicapped and making an appropriation therefor.

WHEREAS, approximately 12,000 citizens of the Commonwealth of Kentucky are cerebral palsied, and additionally there is a large number of other multiply physically handicapped individuals with spina bifida, muscular dystrophy and other musculo-skeletal deformities; and

WHEREAS, this populace historically has been inappropriately or inadequately cared and provided for; and

WHEREAS, the multiply physically handicapped population is a unique group with specific services needs dictated by their motor impairment; and

WHEREAS, multiply physically handicapped individuals could lead socially productive lives with appropriate lifelong educational, social and health services;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. A Task Force on the Multiply Physically Handicapped shall be established. The membership shall be appointed by the Governor and shall include representatives from existing organizations currently serving the multiply physically handicapped throughout the Commonwealth; representatives of educational, medical, therapeutic and administrative professions with specific expertise in the multiply physically handicapped; and the Secretary of the Department for Human Resources, who shall serve as chairman.

Section 2. Members of the Task Force shall receive no salary but shall be reimbursed for the ordinary and necessary expenses incurred in the performance of their duties.

Section 3. The Task Force shall study the needs of the multiply physically handicapped in general and shall specifically address itself to the following:

(1) Development of a comprehensive plan to provide for lifelong educational, social and health services for the multiply physically handicapped citizens of the Commonwealth.

(2) Determination of the cost of and appropriate funding mechanism for these services.

(3) Appropriate regulations and guidelines for residential facilities for the multiply physically handicapped to be implemented by the Department for Human Resources. Regulations and guidelines should include:

(a) Early and continuing education.
(b) Barrier free physical facilities allowing for maximum independence.
(c) Alternative living arrangements.
(d) Therapeutic facilities and staff (physical/occupational/speech).
(e) Medical and nursing care.
(f) Nutritional standards.
(g) Community involvement.
(h) Vocational planning and training.
(i) Individual program plans (written interdisciplinary individual intervention plans) aimed at maximum independence and integration of the multiply physically handicapped individual into the mainstream of society.

(j) Assurance of a right to privacy, due process procedures and equality of opportunity.
(k) Provision for leisure time activities.

Section 4. The Task Force on the Multiply Physically Handicapped shall report their findings and recommendations to the Governor and the Legislative Research Commission not later than November 1, 1979.

Section 5. There is appropriated the sum of fifty thousand dollars ($50,000) to carry out the directives of this resolution.

HCR 100, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the need for the establishment of an office of ombudsman for the adult handicapped and developmentally disabled.

WHEREAS, adult handicapped and developmentally disabled individuals are frequently denied the opportunity to secure, retain, or advance in employment because of said handicap or disability;

WHEREAS, nearly 40,000 disabled American veterans and thousands of adult citizens disabled due to diseases and accidents are not afforded the same protection and advocacy services as are developmentally disabled children under Kentucky's protection and advocacy system;

WHEREAS, adult handicapped and developmentally disabled citizens of the Commonwealth have the right to be afforded a fair opportunity to attain employment in order to become self-supporting;

WHEREAS, adult handicapped and developmentally disabled individuals need a system with the authority to pursue legal, administrative and other appropriate remedies to insure the protection of their legal and human rights;

WHEREAS, adult handicapped and developmentally disabled individuals have no system to which they may complain as to violations or non-compliance with their legal and human rights;

WHEREAS, an office of ombudsman for the handicapped and developmentally disabled could provide for the lodging, referral, inquiry, and investigation of complaints of such violations and non-compliance;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to study the need for the establishment of an office of ombudsman for the adult handicapped and developmentally disabled.

Section 2. The study along with any recommendations shall be reported to the appropriate interim joint committee not later than June 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost ten thousand dollars ($10,000). These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

SJR 27, A JOINT RESOLUTION to establish a special Council to survey and define the need for minimum standards and training programs for firefighters, including those who serve on a volunteer basis, in the Commonwealth of Kentucky and making an appropriation therefor.

WHEREAS, the ravages of fire have reached an all time high in the Commonwealth of Kentucky and the nation; and

WHEREAS, destruction of life and property by fire has reached such a magnitude that a variety of efforts should be undertaken to diminish these tragic losses; and

WHEREAS, national organizations have recognized that the establishment of minimum standards and training programs for firefighters is critical to the reduction of loss of life and property due to fire; and

WHEREAS, there are approximately 17,000 firefighters, including volunteers, in the Commonwealth of Kentucky who assume responsibility for the protection of life and property from fire; and

WHEREAS, effectiveness of the firefighters in the Commonwealth could be enhanced through the availability of more intensive diverse training programs in fire prevention and fire control techniques;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a special study council is hereby created for a period of two years to study and define the needs for standards and training for firefighters in the Commonwealth of Kentucky and to make such recommendations as deemed appropriate.

Section 2. That the Governor appoint the members of the Council as follows: the state fire marshal or his designee; a representative of the Bureau of Vocational Education, State Department of Education; four fire chiefs; one representative of the Kentucky Firemen's Association who is not a chief officer; a mayor or city manager; a county judge/executive; the Commissioner of the Kentucky State Police or his designee; a representative of the insurance industry; the Commissioner of Training of the Kentucky Department of Justice; the Chairman of the Department of Fire Prevention and Control at Eastern Kentucky University; the director of the Division of Forestry of the Department for Natural Resources and Environmental Protection; and one member at-large.

Section 3. The secretarial and administrative duties associated with the work of the Council shall be provided through the Office of the Commissioner of Training, Kentucky Department of Justice.

Section 4. Members of the Council shall receive no salary but shall be reimbursed for their ordinary and necessary expenses incurred in the performance of their duties.

Section 5. The Council shall meet at least quarterly and shall report at least annually to the Interim Joint Committee on Business Organizations and Professions of the Legislative Research Commission and shall report its findings and recommendations to the 1980 Regular Session of the General Assembly.

Section 6. In order to effectuate the purposes of this resolution, thirty thousand dollars ($30,000) is hereby appropriated from the General Expenditure Fund of the State Treasury for the fiscal year 1978-79 and thirty thousand dollars ($30,000) for the fiscal year 1979-80.

SB 97, AN ACT relating to abortion.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, an abortion referral or counselling agency is any person, group, or organization, whether funded publicly or privately, that provides advice or help to persons in obtaining abortions.

(2) No abortion referral or counselling agency shall charge or accept any fee, kickback, or compensation of any nature from a physician, hospital, clinic or other medical facility for referring a person thereto for an abortion.

(3) Any person who violates the provisions of this section is guilty of a class A misdemeanor.

SB 242, AN ACT relating to admittance to public places.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 258.500 is amended to read as follows:

(1) When a blind person is accompanied by a guide dog, neither the blind person nor the dog shall be denied admittance to any hotel, motel, restaurant or eating establishment, nor shall the blind person be denied full and equal accommodations, facilities and privileges of all public places of amusement, theater or resort when accompanied by a guide dog.

(2) Any blind person accompanied by a guide dog shall be entitled to full and equal accommodations on all public transportation, provided that the guide dog shall not occupy a seat in any public conveyance, nor endanger the public safety.

(3) Such blind person shall not be required to pay additional charges or fare for the transportation of any accompanying guide dog.

(4) Any blind person accompanied by a guide dog shall not be denied admittance and use of any public building, nor denied the use of any elevator operated for public use.

(5) Any blind person accompanied by a guide dog may keep such animal in his or her immediate custody while a tenant in any apartment, or building used as a public lodging.

(6) The provisions of this section shall not apply unless the guide dog has been trained by a recognized training agency or school, and is properly harnessed and muzzled.

(7) All blind persons accompanied by such a trained guide dog must have in their personal possession a certificate issued by the guide dog training agency or school establishing that his dog has been so trained.

(8) The provisions of this section shall not apply unless the blind master complies with the legal limitations applicable to sighted persons and unless all requirements of KRS 258.015, 258.135 and 258.145 have been complied with.

(9) The provisions of this section shall also apply to any deaf person accompanied by a dog trained to aid the deaf. As used in this section, "deaf person" means a person described in KRS 30A.410(1)(a).

The Committee on Health and Welfare reported **SB 172** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on Health and Welfare reported **SB 254** and **SB 285** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 254, AN ACT relating to drugs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 217.065 is amended to read as follows:

A drug or device shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular;

(2) If in package form unless it bears a label containing:

(a) The name and place of business of the manufacturer, packer, or distributor, except that, in the case of a prescription drug, it shall bear the name and place of business of the manufacturer, and the name and place of business of the packer, or distributor, if other than the manufacturer; and

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the secretary;

(3) If any word, statement, or other information required by or under authority of KRS 217.005 to 217.215 to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(4) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marijuana, morphine, opium, paraldehyde, peyote, or sulfonmethane, or any chemical derivative of such substance, which derivative has been by the secretary after investigation, found to be, and by regulations under KRS 217.005 to 217.215 designated as, habit forming; unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning — May be habit-forming";

(5) If it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears:

(a) The common or usual name of the drug, if such there be; and

(b) In case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including whether active or not the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouaban, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein; provided that to the extent that compliance with this subsection is impracticable, exemptions shall be established by regulations promulgated by the secretary;

(6) Unless its labeling bears:

(a) Adequate directions for use; and

(b) Such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; provided that where any requirement of subsection (a) of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirements;

(7) If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein; provided that the method of packing may be modified with a consent of the department. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a

homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia;

(8) If it has been found by the department to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the secretary shall by regulations require as necessary for the protection of public health. No such regulation shall be established for any drug recognized in an official compendium until the secretary shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements;

(9)(a) If it is a drug and its container is so made, formed, or filled as to be misleading; or

(b) If it is an imitation of another drug; or

(c) If it is offered for sale under the name of another drug;

(10) If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof;

(11) If:

(a) It is a drug intended for use by man which is a habit forming drug to which subsection (4) of this section applies; or because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use is not safe for use except under the supervision of a practitioner, and is not dispensed upon a prescription unless prior to dispensing its label bears the statement "Caution: Federal law prohibits dispensing without prescription"; or

(b) It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;

(12) A drug sold on a prescription of a practitioner (except a drug sold in the course of the conduct of a business of selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this section if:

(a) Such practitioner is licensed by law to administer such drug; and

(b) Such drug bears a label containing the name and place of business of the seller, the serial number and date of such prescription, and the name of such practitioner.

(13) It is not the intention of subsection (2)(a) of this section as amended herein to require the name and place of business of the wholesaler to appear upon the label of the package unless otherwise required by this section.

[(14) In the event a drug is manufactured or fabricated by one company pursuant to the specifications of another company and the latter company accepts full responsibility for the integrity of the product, only the name of the company assuming responsibility need appear on the label, provided a statement is filed with the department for human resources disclosing the name of the manufacturer or fabricator.]

Section 2. This Act shall take effect on January 1, 1979.

SB 285, AN ACT relating to mentally retarded patients.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.KRS 210.270 is amended to read as follows:

(1) The secretary for human resources is authorized to designate such private homes, private nursing homes and private institutions as he shall deem, after a thorough investigation of the personal and financial qualifications of the owners and tenants, the facilities and management, and the desirability of the location of such homes, to be suitable for the placement of patients, including the mentally ill and mentally handicapped and retarded of all ages, outside of the state mental hospitals. The secretary for human resources is authorized to prescribe, from time to time by regulation, standards for the selection and operation of private homes, private nursing homes and private institutions designated for the placement of patients. No home of an officer or employe of the department *for human resources* [of mental health] or of a member of his immediate family shall be designated for the placement of patients.

(2) Whenever the staff of a state mental hospital has determined that a patient who is not being held on an order rising out of a criminal offense has sufficiently improved and is not dangerous to himself or other persons, and that it would be in the patient's best interest to be placed outside of the hospital in a private home or private nursing home, the hospital shall so certify to the secretary for human resources, who may

then authorize the patient to be transferred to a designated private home or private nursing home for care and custody for such length of time as the secretary deems advisable.

(3) *No mentally retarded patient lodged in a state institution may have his level of care reclassified nor may he be transferred to a private nursing home or other private institution without first providing ten (10) days notice by registered or certified mail return receipt requested to the patient's parents or guardian or committee that a reclassification of the patient's level of care or a transfer in the place of residence is being considered.*

(4) Any parent or guardian or committee of any mentally retarded patient lodged in a state institution may participate in any evaluation procedure which may result in a reclassification of such patient's level of care or in a transfer in the place of residence of such patient. Such participation may include the submission by the parents or guardian or committee of medical evidence or any other evidence deemed relevant by the parents or guardian or committee to the possible reclassification or transfer of such patient.

(5) If the decision to reclassify or transfer any mentally retarded patient is adverse to the best interests of such patient as expressed by the parents or guardian or committee, they shall be given notice by registered or certified mail return receipt requested that they are entitled to a thirty (30) day period from the receipt of such notice to file with the secretary for human resources a notice of appeal and application for a hearing.

(6) The appeal shall be heard by a three (3) member panel composed of a designated representative of the department for human resources, a designated representative of the state institution where the mentally retarded patient is presently lodged, and a designated neutral representative appointed by the county judge/executive wherein the institution in question is located.

(7) Decisions made by the panel may be appealed, within thirty (30) days from the date of decision, to the circuit court of the county wherein the state institution in question is located, to the circuit court of the county wherein either of the parents or guardians or committee of the patient in question is domiciled at the time of the decision, or to Franklin Circuit Court.

(8) All parents or guardians or committee of a mentally retarded patient lodged in a state institution shall be fully apprised by the department for human resources of their rights and duties under the provisions of subsections (3), (4), (5), (6), and (7) of this section.

(9) The provisions of KRS 210.275, 203.080, 210.310, and 210.320 shall apply to patients transferred to designated private homes and private nursing homes as though such patients were residing in a state mental hospital.

The Committee on Judiciary-Statutes reported **SB 143,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 143, AN ACT relating to crime and punishment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

The provisions of this Act shall be known as the Youthful Offender Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

Any person charged with the commission of a capital offense, a class A felony, or a class B felony, who at the time of the commission of the offense was fourteen (14) years of age or older shall be proceeded against as an adult.

SECTION 3. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

Any person charged with the commission of a class C felony or a class D felony who has twice been adjudicated guilty of a public offense designated as a felony and who at the time of the commission of the charged offense was fourteen (14) years of age or older shall be proceeded against as an adult.

Section 4. KRS 208.010 is amended to read as follows:

As used in KRS 208.010 to 208.540 and 208.990, unless the context otherwise requires:

(1) "Department" means the department for human resources;

(2) "Child" means any person who has not reached his eighteenth birthday *except for:*

(a) Any person charged with the commission of a capital offense, a class A felony, or a class B felony who at the time of the commission of the offense was fourteen (14) years of age or older;

(b) Any person charged with the commission of a class C felony or a class D felony who has twice been adjudicated guilty of a public offense designated as a felony and who at the time of the commission of the third charged offense was fourteen (14) years of age or older;

(3) *"Youthful offender" means a juvenile described in subsection (2)(a) & (b) of this section.*

(4) "Court" means the juvenile session of the district court;

(5) [(4)] "Child welfare worker" means any employe of the department for human resources designated as such by the secretary of the department for human resources or a social worker employed by a county or city who has been approved by the department for human resources to handle, under its supervision, services to children;

(6) [(5)] "Abused or neglected child" has the same meaning as in subsection (6) of KRS 199.011;

(7) [(6)] "Dependent child" has the same meaning as KRS 199.011(5);

(8) [(7)] "Delinquency action" is an action brought in the interest of a child who is accused of committing a public offense, which if committed by an adult would be a crime;

(9) [(8)] "Status action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be termed criminal or delinquent, and such children shall not be considered delinquents;

(10) [(9)] "Dependency action" is any action brought on behalf of a neglected, dependent, or abused child;

(11) [(10)] "Violation" means any offense, other than a traffic infraction, for which a sentence to a fine only can be imposed;

(12) [(11)] "Secure detention facility" is a physically secure setting which is entirely separated from sight and sound from all other portions of the jail containing adult prisoners;

(13) [(12)] "Emergency shelter" is a group home, private residence, or similar home-like facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child.

(14) "Youthful offender facility" means a secure institution operated by the department for human resources in which it shall provide, for youthful offenders incarcerated by a court of competent jurisdiction, a program of care, treatment and rehabilitation. This program of rehabilitation shall be designed to provide for classification, segregation and specialized treatment of youthful offenders according to their respective problems, needs and characteristics including their degree of dangerousness to the community. The department of justice shall provide to youthful offenders a coordinated system of probation and parole.

Section 5. KRS 208.020 is amended to read as follows:

(1) The juvenile session of the district court of each county shall have exclusive jurisdiction in proceedings concerning any child *as defined in KRS 208.010(2)* living, or found within the county [who has not reached his eighteenth birthday]:

(a) Who has committed a public offense, except a moving motor vehicle offense, involving a child sixteen (16) years of age or older. The court shall not have jurisdiction in any prosecution of a moving motor vehicle offense involving a child sixteen (16) years of age or older. Juvenile offenders sixteen (16) years of age or older accused of moving motor vehicle offenses shall be treated as any adult offender; provided, however, that the term "moving motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent, nor any offense which constitutes a felony; or

(b) Who does not subject himself to the reasonable control of his parents, teacher, guardian or custodian, by reason of being wayward or habitually disobedient; or

(c) Who is an habitual truant from home or from school; or

(d) Who is found by the court to be dependent, neglected, or abused.

(2) The court of each county wherein a public offense, as defined in paragraph (a) of subsection (1) of this section, is committed by a child who is a resident of another county of this state, shall have concurrent jurisdiction over such child with the court of the county wherein the child resides, or the court of the county where the child is found. Whichever court first acquires jurisdiction of such child may proceed to final disposition of his case, or, in its discretion may make an order transferring the case to the court of the county of his residence, or the county wherein the offense was committed, as the case may be.

(3) The court of each county shall have exclusive jurisdiction of persons charged with violations of KRS 530.060 and 530.070.

(4) The juvenile session of district court shall have exclusive jurisdiction of persons who and no person shall willfully and unnecessarily expose to the inclemency of the weather, or in any other manner willfully injure in health or limb any child actually or apparently under the age of sixteen (16) years.

(5) The juvenile session of district court shall have exclusive jurisdiction of persons who and no person shall for gain or reward employ or cause to be employed, or exhibit, use, or have in his custody for the purpose of exhibiting, or employing, any child actually or apparently under the age of sixteen (16) years, nor shall any person having the care, custody, or control of such child, in any way procure, or consent for gain or reward, to the employment or exhibition of such child, either:

(a) In begging or receiving alms, or in any mendicant occupation;

(b) If the child is a female, in peddling or in any wandering occupation;

(c) In any indecent or immoral occupation or practice;

(d) In the exhibition of any such child when insane, or idiotic; or

(e) In any practice or exhibition of unusual danger to life, limb, health or morals of the child.

(6) Any person, over whom the court has jurisdiction under subsections (3), (4) or (5) of this section, shall be entitled to a trial by jury.

(7) Nothing in this chapter shall deprive other courts of the jurisdiction to determine the custody or guardianship of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of circuit courts over adoptions and proceedings for termination of parental rights. The juvenile session of district court shall have no jurisdiction to make permanent awards of custody of a child, but if the court finds an emergency to exist affecting the welfare of a child, it may make temporary orders for its custody, pending the outcome of proceedings in circuit court to determine its permanent custody. Such orders shall be entirely without prejudice to the proceedings for permanent custody of the child, and shall remain in effect until modified or set aside by the court. Upon the entry of a temporary or final judgment in the circuit court, awarding custody of such child, all prior orders of the juvenile court in conflict therewith shall be deemed canceled.

(8) Actions brought under subsection (1)(a) of this section shall be considered to be delinquency actions.

(9) Actions brought under subsection (1)(b) and (c) of this section shall be considered to be status actions.

(10) Actions brought under subsection (1)(d) of this section shall be considered to be dependency actions.

Section 6. KRS 208.200 is amended to read as follows:

(1) If in its decree the juvenile court finds that the child comes within the purview of subsections (1) or (2) of KRS 208.020, the court may, by order:

(a) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. Probation or supervision shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation or supervision shall be subject to the visitation and supervision of a probation officer or a child welfare worker. Probation and supervision methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. A child so placed on probation or supervision shall remain subject to the jurisdiction of the juvenile court until he becomes eighteen (18) years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of the department or of a private institution or public agency authorized to care for such children, or place the child under the custody and the supervision of a suitable person. All orders of commitment may include such advisory recommendations as the court may deem proper in the best interests of the child and of the public. Such commitment or placement shall be until the age of eighteen (18) subject to the power of the court to terminate the order and discharge the child prior thereto. The governing authorities of said department, agency or institution may likewise discharge the child unless the court directs otherwise. Prior to said discharge two weeks' notice must be given to the committing court, to the legal representative of the child and to the county attorney of the county in which committing court presides. During the period of commitment or placement, the court may review a dispositional order and may modify or terminate such order as the court deems essential to the best interests of the child. In committing a child to a private institution or agency the court shall select one that is approved by the department for human resources and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer or child welfare worker.

(2) In the event a child who has not reached his eighteenth birthday commits a new offense while under the jurisdiction of the court or during the period of commitment the court shall have exclusive, original jurisdiction of the new offense.

(3) [After a child has been disposed of as provided in paragraph (a) or (b) of subsection (1) of this section he may not then be transferred to the circuit court as provided for in KRS 208.170.

(4)] If a child sixteen (16) years of age or older has been adjudicated delinquent in the commission of an offense classified as a misdemeanor or violation, the court in its discretion may order as follows:

(a) Participation in a community services work program. The work program shall be of a constructive nature designed to promote the rehabilitation of the child. The program shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a probation officer or other responsible person. The work program shall not be scheduled during such times that would interfere with educational, occupational, or religious obligations of the child. Assignment to a community services work program shall be made to a governmental or nonprofit community organization for a specified period of time, not to exceed one hundred and twenty (120) hours for a child adjudicated delinquent in the commission of a Class A misdemeanor, not to exceed eighty (80) hours for a child adjudicated delinquent in the commission of a Class B misdemeanor, and not to exceed forty (40) hours for a child adjudicated delinquent in the commission of an offense classified as a violation under the penal code. A child may be directed to participate in a community services work program as provided in this subsection for the purposes of restitution authorized by KRS 208.240.

(b) The court may impose a fine for a misdemeanor or violation offense. The imposition of a fine for a misdemeanor or violation offense committed by a child shall be based upon a determination that such disposition is in the best interest of the child and to aid in his rehabilitation. Any such order shall include a finding that the child is financially able to pay such fine.

(c) Fines shall be levied consistent with the schedule set forth below:

For a Class A misdemeanor, not to exceed $150;
For a Class B misdemeanor, not to exceed $75; and
For a violation, not to exceed $50.

When a child is directed by the court to pay a fine, the court may provide for payment to be made within a specified period of time or in specified installments. If such provision is not made a part of the court's disposition, the fine shall be payable immediately.

(4) [(5)] When a child has been ordered to comply with the provisions in subsection *(3)* [(4)] above and fails to do so, the court upon motion of the prosecuting attorney or upon its own motion may require the child to show cause why he should not be held in detention for noncompliance with the court order. The court may issue an order of custody or a summons for his appearance.

(5) [(6)] Following issuance of a show cause order pursuant to subsection *(4)* [(5)] above, unless the child can show that noncompliance was not the result of an intentional refusal to comply with the court order or not the result of a failure to make a good faith effort to comply with the court order, the court may order the child detained as follows:

(a) For a period not to exceed five (5) days if the order is imposed for the commission of a Class A misdemeanor;

(b) For a period not to exceed three (3) days if the order is imposed for the commission of a Class B misdemeanor;

(c) For a period not to exceed two (2) days if the order is imposed for the commission of a violation.

Any detention imposed for failure to comply with the court order shall not be scheduled for a time that would interfere with the educational obligations of the child, and shall be in an approved detention facility as provided in KRS 208.130.

(6) [(7)] When in the judgment of the court a disposition stated above in subsection *(3)* [(4)] is inadequate to aid in the rehabilitation of a misdemeanor offender, the court in its discretion may order a child sixteen (16) years of age or older who has been adjudicated delinquent in the commission of an offense classified as a misdemeanor to detention in an approved detention facility as provided in KRS 208.130 based upon the schedule set forth below:

Class A misdemeanor, 1 to 30 days;
Class B misdemeanor, 1 to 15 days;

provided, that, the court shall advise the child prior to entering its order under this subsection that the child upon demand may receive a trial by jury in the regular session of district court, which trial and any appeal therefrom shall be conducted in accordance with the Rules of Criminal Procedure.

The detention of a juvenile misdemeanor offender shall not be scheduled to interfere with the educational obligations of the child. Detention may be scheduled during periods such as weekends, after school, or overnight. Any portion of a day spent in detention shall be deemed as one day for the purposes of serving a detention term.

(7) [(8)] No adjudication by a juvenile court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Section 7. KRS 208.205 is amended to read as follows:

(1) Except as otherwise provided [by KRS 208.194,] an order of commitment or an order of protective supervision or probation made by the court in the case of a child may be modified or terminated at any time prior to expiration on the court's own initiative or on motion by:

(a) A child who is affected by an order of juvenile session of district court;
(b) The family, custodian, guardian, or legal representative of such a child;
(c) The county attorney of the county in which the committing court presides; or
(d) Any other person having an interest in the welfare of the child.

(2) Grounds for such action may include but are not limited to allegations that there has been a substantial change of material circumstances, there exists new evidence affecting the disposition of the child, the child is no longer in need of commitment, probation, or placement, the child has not received adequate and proper treatment, the original proceedings were not conducted in the manner required by law or the public interest requires modification or termination of the order. Upon review of the child's case, the department, any agency, institution or individual responsible for the supervision, care or treatment of the child, shall divulge and communicate such information regarding the child as the court may require.

Section 8. KRS 208.350 is amended to read as follows:

[Unless the child is proceeded against in accordance with the law governing crimes as provided in paragraph (c) of subsection (2) of KRS 208.170,]The disposition of any child under the provisions of KRS 208.010 to 208.540, or any evidence given in the case, shall not be lawful evidence against the child for any purpose, except in subsequent cases involving the same child under KRS 208.010 to 208.540.

SECTION 9. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

A youthful offender, if convicted of a felony offense in circuit court, shall be subject to the same type of sentencing procedure and durations of sentence, including probation, conditional discharge and parole, as an adult convicted of a felony offense, except that:

(1) Any sentence of incarceration imposed upon a youthful offender shall be served in a youthful offender facility until the expiration of the sentence or the youth attains age eighteen (18), whichever first occurs. If an individual sentenced as an adult offender attains age eighteen (18) prior to the expiration of his period of incarceration, that individual shall be returned to the sentencing court. That court, in accordance with the provisions of KRS Chapter 533, shall determine whether further incarceration is required. If the court determines that further incarceration is required, the period of incarceration shall be spent in the appropriated adult facility operated by the bureau of corrections.

(2) No youthful offender who has been convicted of a capital offense shall be sentenced to capital punishment, but instead shall be sentenced to the term appropriate for one who has committed a class A felony.

(3) No youthful offender shall be subject to persistent felony offender sentencing under KRS 532.080.

SECTION 10. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

A youthful offender, if convicted of a misdemeanor offense in circuit court or district court, shall be subject to the same durations of sentence and types of sentencing procedures, including probation, conditional discharge and parole as an adult convicted of a similar offense, except that any sentence of incarceration imposed upon a youthful offender shall be served in a youthful offender facility until the expiration of the sentence or the youth attains age eighteen (18), whichever first occurs. If an individual sentenced as an adult offender attains age eighteen (18) prior to the expiration of his period of incarceration, that individual shall be returned to the sentencing court. That court, in accordance with the provisions of KRS Chapter 533, shall determine whether further incarceration is required. If the court determines that further incarceration is required, the period of incarceration shall be spent in the appropriate detention facility.

SECTION 11. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) The department shall designate from among those facilities now operated as facilities for the treatment of juveniles four (4) facilities which shall be utilized for housing and treating individuals sentenced to incarceration under the provisions of this Act.

(2) The facilities designated by the department under the provisions of subsection (1) of this section shall include the following:

(a) A facility to be utilized as a minimum security institution for the treatment of male youthful offenders;

(b) A facility to be utilized as a medium security institution for the treatment of male youthful offenders;

(c) A facility to be utilized as a maximum security institution for the treatment of male youthful offenders;

(d) A facility to be utilized as an institution for the treatment of female youthful offenders.

(3) No person sentenced under the provisions of this Act to incarceration in a facility operated by the department shall be incarcerated in any facility other than a facility designated under subsection (1) of this section.

(4) No child committed to the department by the juvenile session of any district court shall be placed in a facility designated by the department under subsection (1) of this section.

(5) The department shall supervise all transfers between facilities designated by the department under subsection (1) of this section.

SECTION 12. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:
The provisions of KRS Chapter 439 shall be applicable to individuals sentenced under the provisions of this Act.

Section 13. Section 11(2) of this Act shall be effective on the normal date for legislation passed by the 1978 Regular Session of the General Assembly. All remaining sections shall be effective July 1, 1978.

Section 14. KRS 208.170, 208.180 and 208.194 are repealed.

The Committee Substitute to **SB 143** is as follows:

SB 143, AN ACT relating to crime and punishment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:
The provisions of this Act shall be known as the Youthful Offender Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:
Any person charged with the commission of a capital offense, a class A felony, or a class B felony, who at the time of the commission of the offense was fourteen (14) years of age or older shall be proceeded against in accordance with the provisions of Section 5 of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:
(1) Any person charged with the commission of a class C felony or class D felony who has, on two prior occasions, been adjudicated delinquent of a felony offense and who at the time of the charged offense was sixteen (16) years of age shall be tried upon the charged offense in the juvenile session of district court.
(2) If the person is adjudicated delinquent of the charged offense the court shall commit the person to the department for a determinate period not to exceed twelve (12) months or until the person's eighteenth (18) birthday, whichever first occurs.
(3) A person committed to the department under the provisions of this section shall be confined in a residential facility operated by the department other than a youthful offender facility as defined in this Act for the duration of the commitment.

SECTION 4. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:
Any person charged with the commission of a class C felony or a class D felony who has been previously committed to the department pursuant to Section 3 of this Act shall be proceeded against in accordance with the provisions of Section 5 of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:
Any person charged with an offense in accordance with the provisions of Section 2 or Section 4 of this Act shall upon probable cause having been established in the juvenile session of district court be proceeded against as follows:
(1) A hearing shall be held to determine whether the person shall be proceeded against as an adult in the circuit court.
(2) At such hearing the Commonwealth shall establish that the person:
(a) In the commission of the offense or the flight therefrom did inflict or threaten to inflict serious physical injury as defined in KRS 500.080; or
(b) Has a recent history of having been adjudicated delinquent of a felony offense; or
(c) Has failed to comply with the conditions of a recent dispositional order imposed following an adjudication of delinquency for a felony offense; or
(d) Is the leader of a criminal enterprise including himself and two or more persons.
(3) Any person being proceeded against in accordance with the provisions of this section shall have the opportunity to rebut the proof of the Commonwealth by competent evidence.
(4) Upon any of the above aggravating circumstances having been established by the Commonwealth and not having been rebutted by competent evidence offered by the person being proceeded against it shall be presumed as a matter of law that the person being proceeded against is mature and that the prospects for the adequate protection of the public would be best served by proceeding against the said person as an adult. The court shall thereupon enter an order encompassing such presumption and shall bind the person being proceeded against to the grand jury.

SECTION 6. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

Any person proceeded against as a youthful offender under the provisions of this Act shall, regardless of his age, be transferred to a facility meeting the requirements of KRS 208.120 if he is unable to meet the conditions of release or bail imposed pursuant to KRS Chapter 431 within twenty-four (24) hours from the time the conditions of release or bail are set.

SECTION 7. KRS 208.010 is amended to read as follows:

As used in KRS 208.010 to 208.540 and 208.990, unless the context otherwise requires:

(1) "Department" means the department for human resources;

(2) "Child" means any person who has not reached his eighteenth birthday *except for any person charged in accordance with Sections 2, 3, or 4 of this Act.*

(3) *"Youthful offender" means a person charged in accordance with Sections 2 or 4 of this Act.*

(4) "Court" means the juvenile session of the district court;

(5) [(4)] "Child welfare worker" means any employe of the department for human resources designated as such by the secretary of the department for human resources or a social worker employed by a county or city who has been approved by the department for human resources to handle, under its supervision, services to children;

(6) [(5)] "Abused or neglected child" has the same meaning as in subsection (6) of KRS 199.011;

(7) [(6)] "Dependent child" has the same meaning as KRS 199.011(5);

(8) [(7)] "Delinquency action" is an action brought in the interest of a child who is accused of committing a public offense, which if committed by an adult would be a crime;

(9) [(8)] "Status action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be terms criminal or delinquent, and such children shall not be considered delinquents;

(10) [(9)] "Dependency action" is any action brought on behalf of a neglected, dependent, or abused child;

(11) [(10)] "Violation" means any offense, other than a traffic infraction, for which a sentence to a fine only can be imposed;

(12) [(11)] "Secure detention facility" is a physically secure setting which is entirely separated from sight and sound from all other portions of the jail containing adult prisoners;

(13) [(12)] "Emergency shelter" is a group home, private residence, or similar home-like facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child.

(14) "Youthful offender facility" means a secure institution operated by the department for human resources in which it shall provide, for youthful offenders incarcerated by a court of competent jurisdiction, a program of care, treatment and rehabilitation. This program of rehabilitation shall be designed to provide for classification, segregation and specialized treatment of youthful offenders according to their respective problems, needs and characteristics including their degree of dangerousness to the community. The department of justice shall provide to youthful offenders a coordinated system of probation and parole.

Section 8. KRS 208.020 is amended to read as follows:

(1) The juvenile session of the district court of each county shall have exclusive jurisdiction in proceedings concerning any child *as defined in KRS 208.010(2)* living, or found within the county [who has not reached his eighteenth birthday]:

(a) Who has committed a public offense, except a moving motor vehicle offense, involving a child sixteen (16) years of age or older. The court shall not have jurisdiction in any prosecution of a moving motor vehicle offense involving a child sixteen (16) years of age or older. Juvenile offenders sixteen (16) years of age or older accused of moving motor vehicle offenses shall be treated as any adult offender; provided, however, that the term "moving motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent, nor any offense which constitutes a felony; or

(b) Who does not subject himself to the reasonable control of his parents, teacher, guardian or custodian, by reason of being wayward or habitually disobedient; or

(c) Who is an habitual truant from home or from school; or

(d) Who is found by the court to be dependent, neglected, or abused.

(2) The court of each county wherein a public offense, as defined in paragraph (a) of subsection (1) of this section, is committed by a child who is a resident of another county of this state, shall have concurrent jurisdiction over such child with the court of the county wherein the child resides, or the court of the county where the child is found. Whichever court first acquires jurisdiction of such child may proceed to final

disposition of his case, or, in its discretion may make an order transferring the case to the court of the county of his residence, or the county wherein the offense was committed, as the case may be.

(3) The court of each county shall have exclusive jurisdiction of persons charged with violations of KRS 530.060 and 530.070.

(4) The juvenile session of district court shall have exclusive jurisdiction of persons who and no person shall willfully and unnecessarily expose to the inclemency of the weather, or in any other manner willfully injure in health or limb any child actually or apparently under the age of sixteen (16) years.

(5) The juvenile session of district court shall have exclusive jurisdiction of persons who and no person shall for gain or reward employ or cause to be employed, or exhibit, use, or have in his custody for the purpose of exhibiting, or employing, any child actually or apparently under the age of sixteen (16) years, nor shall any person having the care, custody, or control of such child, in any way procure, or consent for gain or reward, to the employment or exhibition of such child, either:

(a) In begging or receiving alms, or in any mendicant occupation;

(b) If the child is a female, in peddling or in any wandering occupation;

(c) In any indecent or immoral occupation or practice;

(d) In the exhibition of any such child when insane, or idiotic; or

(e) In any practice or exhibition of unusual danger to life, limb, health or morals of the child.

(6) Any person, over whom the court has jurisdiction under subsections (3), (4) or (5) of this section, shall be entitled to a trial by jury.

(7) Nothing in this chapter shall deprive other courts of the jurisdiction to determine the custody or guardianship of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of circuit courts over adoptions and proceedings for termination of parental rights. The juvenile session of district court shall have no jurisdiction to make permanent awards of custody of a child, but if the court finds an emergency to exist affecting the welfare of a child, it may make temporary orders for its custody, pending the outcome of proceedings in circuit court to determine its permanent custody. Such orders shall be entirely without prejudice to the proceedings for permanent custody of the child, and shall remain in effect until modified or set aside by the court. Upon the entry of a temporary or final judgment in the circuit court, awarding custody of such child, all prior orders of the juvenile court in conflict therewith shall be deemed canceled.

(8) Actions brought under subsection (1)(a) of this section shall be considered to be delinquency actions.

(9) Actions brought under subsection (1)(b) and (c) of this section shall be considered to be status actions.

(10) Actions brought under subsection (1)(d) of this section shall be considered to be dependency actions.

Section 9. KRS 208.200 is amended to read as follows:

(1) If in its decree the juvenile court finds that the child comes within the purview of subsections (1) or (2) of KRS 208.020, the court may, by order:

(a) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. Probation or supervision shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation or supervision shall be subject to the visitation and supervision of a probation officer or a child welfare worker. Probation and supervision methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. A child so placed on probation or supervision shall remain subject to the jurisdiction of the juvenile court until he becomes eighteen (18) years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of the department or of a private institution or public agency authorized to care for such children, or place the child under the custody and the supervision of a suitable person. All orders of commitment may include such advisory recommendations as the court may deem proper in the best interests of the child and of the public. Such commitment or placement shall be until the age of eighteen (18) subject to the power of the court to terminate the order and discharge the child prior thereto. The governing authorities of said department, agency or institution may likewise discharge the child unless the court directs otherwise. Prior to said discharge two weeks' notice must be given to the committing court, to the legal representative of the child and to the county attorney of the county in which committing court presides. During the period of commitment or placement, the court may review a dispositional order and may modify or terminate such order as the court deems essential to the best interests of the child. In committing a child to a private institution or agency the court shall select one that is approved by the department for human resources and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer or child welfare worker.

(2) In the event a child who has not reached his eighteenth birthday commits a new offense while under the jurisdiction of the court or during the period of commitment the court shall have exclusive, original jurisdiction of the new offense.

(3) [After a child has been disposed of as provided in paragraph (a) or (b) of subsection (1) of this section he may not then be transferred to the circuit court as provided for in KRS 208.170.

(4)] If a child sixteen (16) years of age or older has been adjudicated delinquent in the commission of an offense classified as a misdemeanor or violation, the court in its discretion may order as follows:

(a) Participation in a community services work program. The work program shall be of a constructive nature designed to promote the rehabilitation of the child. The program shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a probation officer or other responsible person. The work program shall not be scheduled during such times that would interfere with educational, occupational, or religious obligations of the child. Assignment to a community services work program shall be made to a governmental or nonprofit community organization for a specified period of time, not to exceed one hundred and twenty (120) hours for a child adjudicated delinquent in the commission of a Class A misdemeanor, not to exceed eighty (80) hours for a child adjudicated delinquent in the commission of a Class B misdemeanor, and not to exceed forty (40) hours for a child adjudicated delinquent in the commission of an offense classified as a violation under the penal code. A child may be directed to participate in a community services work program as provided in this subsection for the purposes of restitution authorized by KRS 208.240.

(b) The court may impose a fine for a misdemeanor or violation offense. The imposition of a fine for a misdemeanor or violation offense committed by a child shall be based upon a determination that such disposition is in the best interest of the child and to aid in his rehabilitation. Any such order shall include a finding that the child is financially able to pay such fine.

(c) Fines shall be levied consistent with the schedule set forth below:

For a Class A misdemeanor, not to exceed $150;
For a Class B misdemeanor, not to exceed $75; and
For a violation, not to exceed $50.

When a child is directed by the court to pay a fine, the court may provide for payment to be made within a specified period of time or in specified installments. If such provision is not made a part of the court's disposition, the fine shall be payable immediately.

(4) [(5)] When a child has been ordered to comply with the provisions in subsection *(3)* [(4)] above and fails to do so, the court upon motion of the prosecuting attorney or upon its own motion may require the child to show cause why he should not be held in detention for noncompliance with the court order. The court may issue an order of custody or a summons for his appearance.

(5) [(6)] Following issuance of a show cause order pursuant to subsection *(4)* [(5)] above, unless the child can show that noncompliance was not the result of an intentional refusal to comply with the court order or not the result of a failure to make a good faith effort to comply with the court order, the court may order the child detained as follows:

(a) For a period not to exceed five (5) days if the order is imposed for the commission of a Class A misdemeanor;

(b) For a period not to exceed three (3) days if the order is imposed for the commission of a Class B misdemeanor;

(c) For a period not to exceed two (2) days if the order is imposed for the commission of a violation.

Any detention imposed for failure to comply with the court order shall not be scheduled for a time that would interfere with the educational obligations of the child, and shall be in an approved detention facility as provided in KRS 208.130.

(6) [(7)] When in the judgment of the court a disposition stated above in subsection *(3)* [(4)] is inadequate to aid in the rehabilitation of a misdemeanor offender, the court in its discretion may order a child sixteen (16) years of age or older who has been adjudicated delinquent in the commission of an offense classified as a misdemeanor to detention in an approved detention facility as provided in KRS 208.130 based upon the schedule set forth below:

Class A misdemeanor, 1 to 30 days;
Class B misdemeanor, 1 to 15 days;

provided, that, the court shall advise the child prior to entering its order under this subsection that the child upon demand may receive a trial by jury in the regular session of district court, which trial and any appeal therefrom shall be conducted in accordance with the Rules of Criminal Procedure.

The detention of a juvenile misdemeanor offender shall not be scheduled to interfere with the educational obligations of the child. Detention may be scheduled during periods such as weekends, after school, or overnight. Any portion of a day spent in detention shall be deemed as one day for the purposes of serving a detention term.

(7) [(8)] No adjudication by a juvenile court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Section 10. KRS 208.205 is amended to read as follows:

(1) Except as otherwise provided [by KRS 208.194,] an order of commitment or an order of protective supervision or probation made by the court in the case of a child may be modified or terminated at any time prior to expiration on the court's own initiative or on motion by:

(a) A child who is affected by an order of juvenile session of district court;

(b) The family, custodian, guardian, or legal representative of such a child;

(c) The county attorney of the county in which the committing court presides; or

(d) Any other person having an interest in the welfare of the child.

(2) Grounds for such action may include but are not limited to allegations that there has been a substantial change of material circumstances, there exists new evidence affecting the disposition of the child, the child is no longer in need of commitment, probation, or placement, the child has not received adequate and proper treatment, the original proceedings were not conducted in the manner required by law or the public interest requires modification or termination of the order. Upon review of the child's case, the department, any agency, institution or individual responsible for the supervision, care or treatment of the child, shall divulge and communicate such information regarding the child as the court may require.

Section 11. KRS 208.350 is amended to read as follows:

[Unless the child is proceeded against in accordance with the law governing crimes as provided in paragraph (c) of subsection (2) of KRS 208.170,]The disposition of any child under the provisions of KRS 208.010 to 208.540, or any evidence given in the case, shall not be lawful evidence against the child for any purpose, except in subsequent cases involving the same child under KRS 208.010 to 208.540.

SECTION 12. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

A youthful offender, if convicted of a felony offense in circuit court, shall be subject to the same type of sentencing procedure and durations of sentence, including probation, conditional discharge and parole, as an adult convicted of a felony offense, except that:

(1) Any sentence of incarceration imposed upon a youthful offender shall be served in a youthful offender facility, until the expiration of the sentence or the youth attains age eighteen (18), whichever first occurs. If an individual sentenced as an adult offender attains age eighteen (18) prior to the expiration of his period of incarceration, that individual shall be returned to the sentencing court. That court, in accordance with the provisions of KRS Chapter 533, shall determine whether further incarceration is required. If the court determines that further incarceration is required, the period of incarceration shall be spent in the appropriated adult facility operated by the bureau of corrections.

(2) No youthful offender who has been convicted of a capital offense shall be sentenced to capital punishment, but instead shall be sentenced to the term appropriate for one who has committed a class A felony.

(3) No youthful offender shall be subject to persistent felony offender sentencing under KRS 532.080.

SECTION 13. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

A youthful offender, if convicted of a misdemeanor offense in circuit court or district court, shall be subject to the same durations of sentence and types of sentencing procedures, including probation, conditional discharge and parole as an adult convicted of a similar offense, except that any sentence of incarceration imposed upon a youthful offender shall be served in a youthful offender facility until the expiration of the sentence or the youth attains age eighteen (18), whichever first occurs. If an individual sentenced as an adult offender attains age eighteen (18) prior to the expiration of his period of incarceration, that individual shall be returned to the sentencing court. That court, in accordance with the provisions of KRS Chapter 533, shall determine whether further incarceration is required. If the court determines that further incarceration is required, the period of incarceration shall be spent in the appropriate detention facility.

SECTION 14. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) The department shall designate from among those facilities now operated as facilities for the treatment of juveniles four (4) facilities which shall be utilized for housing and treating individuals sentenced to incarceration under the provisions of this Act.

(2) The facilities designated by the department under the provisions of subsection (1) of this section shall include the following:

(a) A facility to be utilized as a minimum security institution for the treatment of male youthful offenders;

(b) A facility to be utilized as a medium security institution for the treatment of male youthful offenders;

(c) A facility to be utilized as a maximum security institution for the treatment of male youthful offenders;

(d) A facility to be utilized as an institution for the treatment of female youthful offenders.

(3) No person sentenced under the provisions of this Act to incarceration in a facility operated by the department shall be incarcerated in any facility other than a facility designated under subsection (1) of this section.

(4) No child committed to the department by the juvenile session of any district court shall be placed in a facility designated by the department under subsection (1) of this section.

(5) The department shall supervise all transfers between facilities designated by the department under subsection (1) of this section.

SECTION 15. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

The provisions of KRS Chapter 439 shall be applicable to individuals sentenced under the provisions of this Act.

SECTION 16. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

Any person convicted as a youthful offender under the provisions of this Act for a class B felony who has never previously been convicted of a felony in any jurisdiction or has never previously been adjudicated in a foreign jurisdiction as delinquent as a minor for any offense which would have constituted a felony if he were an adult may petition the sentencing court to have his conviction set aside and the record of the conviction expunged, subject to the following terms and conditions:

(1) The petition shall be filed no earlier than five (5) years from the date of the petitioner's:

(a) Final discharge from confinement, in those instances where parole or conditional discharge was not granted; or

(b) Final discharge from probation or parole; or

(c) Final discharge from any conditions imposed under conditional release.

(2) During the period since his conviction the petitioner has maintained good conduct and has not been arrested for, charged with, indicted for, or convicted of any misdemeanor or felony other than a minor traffic offense nor received a discharge from the Armed Forces of the United States under other than honorable conditions.

(3) Upon the filing of such petition, the court shall notify the commonwealth's attorney for the jurisdiction and any person so requested by the petitioner, of the date, time, and location of the hearing.

(4) At such hearing any person may bring before the court any information relating to the conduct of the petitioner since the time of his conviction which he believes relevant to the setting aside of the conviction.

(5) If the court determines that the petitioner has satisfactorily complied with all provisions of his probation, conditional release, or parole and has maintained a record free of conduct prohibited by subsection (2) of this section it shall enter an order to the effect that the conviction is set aside and the record expunged and shall issue to the petitioner a certificate, in a format specified by the Supreme Court, stating that the petition has been granted, the conviction set aside and the record expunged.

SECTION 17. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

Any person who is under eighteen (18) years of age and who is confined in the penitentiary pursuant to a waiver of his case for trial as an adult may, as of the effective date of this Act, apply for transfer to a youthful offender facility. Persons making such application shall be transferred form the penitentiary to the youthful offender facility not less than sixty (60) days from the date the application is received by the warden of the penitentiary in which they are incarcerated.

Section 18. Section 14(2) of this Act shall be effective on the normal date for legislation passed by the 1978 Regular Session of the General Assembly. All remaining sections shall be effective July 1, 1978.

SECTION 19. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

The provisions of this Act shall apply only to those offenses committed after July 1, 1978.

Section 20. KRS 208.170, Proceedings against children suspected of felony, 208.180, Disposition of child convicted of felony or misdemeanor, 208.194, Adjudication of felony offense — Institutionalization — Shock probation, are repealed.

Calendar

HB 339, HB 709, HB 722, HB 757, SB 72, SB 179, HB 659, HB 691, HB 704, HB 729, SB 216, SB 287, HB 488, SB 186, SB 88, SB 209, HB 646, HB 541, HB 644, HB 699, HCR 102, HCR 105, HCR 111, HJR 74, HJR 89, SB 70, SB 71, SB 109, SB 112, SB 113, SB 150, SB 163, SB 167, SB 305, HB 533, HCR 81, and **HB 254** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors of Bills and Resolutions. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members requested that their names be added as co-sponsors of Bills and Resolutions: Representative Donnermeyer **HJR 38**; Representative White, **HB 632.**

Representative Head moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Head requested that he be recorded as voting "yea" on **HB 8.** Agreed.

Representative Fitzgerald moved the adoption of the following Legislative Citation No. 62:

The House of Representatives hereby congratulates Fran Bevins who was crowned "Honey Queen" at the annual meeting of the Kentucky Beekeepers Association. Fifteen representatives of the Bluegrass area were participants. The charming, beautiful, and talented Queen is a freshman at Georgetown College. The goals of the Kentucky Beekeepers Association are to build a public awareness of the bee industry and to promote the nutritional value of honey. We extend our best wishes to Fran who is an honored representative for the youth of our State of Kentucky. (Sponsored by Rrepresentative Fitzgerald)

Agreed.

Representative McNutt moved the adoption of the following report of the special committee appointed to investigate the distribution of hard core pornography into the House of Representatives Chamber on Friday, February 10, 1978:

REPORT OF SPECIAL COMMITTEE

Rep. Dolly McNutt, Chairman
Rep. Harold DeMarcus
Rep. Dwight Wells

The Special Committee appointed to investigate the distribution of hard core pornography into the House of Representatives; Chamber on Friday, February 10, 1978, has completed its task and reports the following findings:

The Committee asked for voluntary testimony. All witnesses who appeared were interrogated as to their knowledge of the incident. The result of the testimony revealed that Mrs. Carol Maddox, Ft. Thomas, Kentucky, had caused the material to be distributed.

It is the Committee's finding and conclusion that Mrs. Carol Maddox was and is totally and solely responsible for the entire incident.

It is the sense of the Committee that the action taken by Mrs. Maddox was offensive, repugnant and constituted an insult, both individually and collectively, to the Members of the Kentucky General Assembly House of Representatives. There was no issue before the Assembly which required the perusal or consideration of pornography in making an informed decision. Therefore the imposition of the incredibly vulgar, degrading, obscene material can only be construed as an affront to the dignity, decency and honor of the Commonwealth of Kentucky and its elected representatives who comprise membership of the Kentucky General Assembly

House of Representatives. We therefore recommend amending Rule 71 to read as follows:

Rule 72 Restrictions. No article, booklet, pamphlet or any other printed material shall be placed upon the desk of any member unless said article, booklet, pamphlet or other printed matter contains the signature of the author, or the party interested in the distribution thereof is clearly identified. All such articles, booklets, pamphlets or any other printed material shall *conform to accepted public taste and shall contain no matter appealing to prurient interest or without redeeming social value. Such documents shall* be delivered to the message room and shall upon direction of the Clerk after inspection, be placed in the members' bin. The Sergeant-at-Arms shall be charged with the duty of *inspecting such material and* seeing that no individual other than employees of the House under the direction of the Clerk or House members shall cause materials of any nature to be distributed in the House Chamber. *Questions as to the propriety of such materials shall be referred to the Committee on Committees for resolution.* Any material found so distributed by unauthorized individuals shall be collected from the members' desks and treated as litter.

The Committee requests concurrence and adoption of this Report by the Members of the House of Representatives.

Agreed.

Representative Holbrook moved that **HB 87** be taken from the Clerk's desk and placed in Orders of the Day.

On the roll call the vote was yeas 43-Adams, Bendl, Bennett, Benson, Blythe, Boswell, Brinkley, Burch, Carpenter, Clarke, Craddock, Davenport, DeFalaise, DeMarcus, Donnermeyer, Dunn, Foster, Guy, Hancock, Hines, Holbrook, Kenton, Kidd, Layman, List, Marcum, Maynard, McNutt, Nett, Pearman, Petty, Richards, B. Richardson, P. Richardson, Schmidt, Stone, Thomas, Tobin, Trevey, Wells, White, Wilborn, Williams. Nays 16-J. Allen, Brown, Crupper, Cyrus, Gray, Guenthner, Hearing, Isler, May, Noe, Priddy, Romines, F. Smith, R. Smith, Van Horn, Wright.

The motion that **HB 87** be taken from the Clerk's desk and placed in orders of the day was adopted.

Representative Beshear moved the adoption of the following **HR 119:**

HR 119, A RESOLUTION recognizing May 3, 1978, as Sun Day.
WHEREAS, May 3rd has been proclaimed nationwide as Sun Day; and
WHEREAS, the use of solar energy is seen as an increasingly viable source of energy;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives endorse Sun Day, May 3, 1978, as an opportunity to promote solar energy in the Commonwealth.

Agreed.

Representative Carpenter moved that **HB 312** be taken from Orders of the Day and recommitted to the Committee on Appropriations and Revenue.

On the roll call the vote was yeas 43-Adams, W. Allen, Arnold, Blythe, Burnette, Carpenter, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Foster, Guenthner, Haering, Hancock, Holbrook, Holloway, Hurst, Jones, Layman, List, May, Maynard, Morris, O'Brien, Pearman, Plummer, Rattliff, Richards, P. Richardson, Robinson, Sale, Schmidt, R. Smith, Stewart, Tobin, Trevey, Turner, White, Wilborn, Wright. Nays 44-J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Clapp, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Gay, Gray, Guy, Head, Isler, Johnson, Kenton, Kidd, Kleier, Little, Mann, Marcum, McBee, McNutt, Nett, Noe, Patrick, Priddy, B. Richardson, Riner, Romines, Siemens, F. Smith, Stone, Van Horn, Weinberg, Wells, Williams.

The motion that **HB 312** be taken from Orders of the Day and recommitted to the Committee on Appropriations and Revenue was rejected.

Representative Benson moved that **HB 13** be taken from the table and placed in Orders of the Day.

On the roll call the was yeas 54-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Bruce, Burch, Carpenter, Clarke, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Gray, Guy, Hines, Isler, Kenton, Kidd, Kleier, Mann, McBee, Morris, Nett, Noe, Priddy, Richards, B. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Turner, Weinberg, Wells, White, Wilborn, Williams. Nays 13-W. Allen, Brown, Burnette, Crupper, Layman, Little, May, Patrick, Pearman, Plummer, P. Richardson, Van Horn, Wright.

The motion that **HB 13** be taken from the table and placed in Orders of the Day was adopted.

Representative B. Richardson moved that the rules be suspended to waive the posting period requirement of three days in regard to **HB 499, SB 229, HB 764,** and **HB 701.** Agreed.

Representative B. Richardson moved that the rules be suspended to allow amendments filed on this day to **HB 332** and **HB 661** to be acted upon. Agreed.

Representative Deskins moved that **HB 632** be taken from the Clerk's desk and placed in Orders of the Day.

On the roll call the vote was yeas 50-J. Allen, Bendl, Bennett, Blandford, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Hines, Holbrook, Kenton, Kidd, List, Little, Maynard, McBee, Noe, Overstreet, Petty, Priddy, Richards, P. Richardson, Riner, Romines, Sale, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, White, Wilborn, Williams, Yates. Nays 0.

The motion that **HB 632** be taken from the Clerk's desk and placed in Orders of the Day was adopted.

Representative Bennett moved that the vote by which **HB 683** was defeated be reconsidered and that it be placed in Orders of the Day.

On the roll call the vote was yeas 49-J. Allen, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Bruce, Burch, Clapp, Craddock, DeFalaise, Deskins, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hines, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Little, Mann, Maynard, McBee, Morris, Noe, Petty, Priddy, Richards, B. Richardson, Riner, Romines, Schmidt, Siemens, R. Smith, Stewart, Stone, Thomas, Tobin, Weinberg, White, Wilborn, Williams, Yates. Nays 6-W. Allen, Haering, Holbrook, Layman, Turner, Van Horn.

The motion that the vote on **HB 683** be reconsidered and placed in Orders of the Day was adopted.

Representative Little moved that the rules be suspended to record a vote. Agreed.

Representative Little moved that he be recorded as voting "yea" on **HB 8.** Agreed.

Representative P. Richardson moved the adoption of the following Legislative Citation No. 53:

The House of Representatives hereby congratulates Donna Graham, member of the senior Class of George Rogers Clark High School, Winchester, Kentucky, as the proud recipient of the DAR Citizenship Award for the school year 1977-78. The criteria for the selection of the winner for this award includes leadership, dependability, patriotism, and service. The major DAR goal is to encourage and recognize high school seniors. We applaud Donna Graham and extend our best wishes for success. (Sponsored by Representative P. Richardson)

Agreed.

Report on Enrolled Bills

HB 257 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Consent Orders of the Day

HB 319 with Committee Substitute attached thereto, **HR 66** with Committee Amendment attached thereto, **HCR 94, HB 651, HB 607** with Committee Amendment attached thereto, and **HCR 68** taken from Consent Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that they be read by title only and placed upon passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute to **HB 319.** Agreed.

Representative B. Richardson moved that **HB 319,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 82-Adams, J. Allen, W. Allen, Bendl, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Little, Mann, May, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Wells, White, Williams, Wright. Nays 0.

HB 319, by way of Committee Substitute, was passed and the title agreed.

Representative B. Richardson moved that the vote by which **HB 319,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **HR 66.** Agreed.

Representative B. Richardson moved that **HR 66,** as amended, be passed.

On the roll call the vote was yeas 85-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gay, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Wells, White, Wilborn, Williams, Worthington, Wright. Nays 1-Pearman.

HR 66, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HR 66,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved the adoption of **HCR 94.**

On the roll call the vote was yeas 72-W. Allen, Bennett, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Guy, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Wells, White, Williams, Worthington, Wright. Nays 0.

Agreed.

Representative B. Richardson moved the passage of **HB 651.**

On the roll call the vote was yeas 80-Adams, J. Allen, W. Allen, Arnold, Bendl, Beshear, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Guy, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Wells, Wilborn, Worthington, Wright, Yates. Nays 1-Pearman.

HB 651 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 651** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved the adoption of Committee Amendment No. 1 to **HB 607.** Agreed.

Representative B. Richardson moved that **HB 607,** as amended, be passed.

On the roll call the vote was yeas 66-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Brown, Burch, Carpenter, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Hancock, Head, Hines, Hurst, Imes, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Little, Mann, Marcum, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Van Horn, White, Worthington, Wright, Yates. Nays 1-Pearman.

HB 607, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 607,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved the adoption of **HCR 68.**

On the roll call the vote was yeas 73-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brown, Bruce, Burch, Carpenter, Clarke, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, Little, Mann, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Wells, White, Wright, Yates. Nays 0.

HCR 68 was passed and the title agreed to.

Orders of the Day

HB 660 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, O'Brien, Pearman, Petty, Plummer, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Trevey, Turner, Van Horn, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 660 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 660** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 661 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HB 661.**

Amend printed copy of **HB 661** on page 1, after line 8 by adding the following language:

"Section 2. KRS 61.094 is amended to read as follows:

As used in KRS 61.092 to 61.096 except as may be otherwise indicated by the context:

(1) "Agency" means any of the departments of the state government, and any division, board, bureau, commission or other instrumentality within such department and any independent state authority, commission, instrumentality or agency, but it does not include an authority, commission, instrumentality or agency created pursuant to compact or agreement between or among the state of Kentucky and another state or states;

(2) "Officer or employe" means *a member of the boards of trustees, or regents of a state university except faculty and student members, and* a person holding an office, position or employment in an agency, but it does not include *other* persons who serve without salary or other payment for their services and it does not include employes of school boards or district boards of education;

(3) "Compensation" means any money, thing of value, or financial benefit conferred in return for services rendered or to be rendered, but it does not include the salary or other payment provided by law or appropriation for services rendered in a public office, position or employment.

Section 3. KRS 164.390 is amended to read as follows:

No president, professor, teacher, [regent,] member of the executive council or other officer or employe shall be interested in any contract or purchase for the building or repairing of any structure or furnishing any supplies for the use of a university or college.

Section 4. KRS 164.150 is amended to read as follows:

No member of the board of trustees shall be held to be a public officer by reason of his membership on the board *except as provided in KRS 61.094 for the purpose of KRS 61.096.*

Section 5. KRS 164.130 is amended to read as follows:

(1) The government of the University of Kentucky is vested in a board of trustees consisting of sixteen (16) competent citizens of Kentucky appointed by the Governor, two (2) non-voting members of the teaching faculty of the University of Kentucky, and one (1) member of the student body of the University of Kentucky. The voting members of the board shall select a chairman annually. The terms of the appointed members shall be for four (4) years and until their successors are appointed and qualified. Four (4) of the sixteen (16) appointed members shall be appointed each year. Three (3) of the appointed members shall be representative of agricultural interests, three (3) shall be alumni of the university, and ten (10) shall be other distinguished citizens of the state representative of the learned professions. The governor shall so make the appointments as to divide the representation on the board as equally as possible between the two (2) leading political parties of this state. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for the original appointments.

(2) The non-voting faculty members shall be teaching or research members of the faculty of the University of Kentucky of the rank of assistant professors, or above. They shall be elected by secret ballot by all faculty members of the university of the rank of assistant professor and above. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualify. Faculty members shall be eligible for re-election, but they shall be ineligible to continue to serve as members of the board of trustees if they cease to be members of the teaching staff of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original elections.

(3) The student member shall be the president of the student body of the university. If the president of the student body is not a full-time student who maintains permanent residency in the commonwealth of

Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this commonwealth as the student member.

[(4) No member of the Board of Trustees or its administrative staff shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment or services, with exception of compensation to the two (2) faculty members.]

Section 6. KRS 164.820 is amended to read as follows:

(1) The government of the University of Louisville is vested in a board of trustees consisting of ten (10) competent citizens of Kentucky appointed by the governor; one (1) member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; and a student member who shall be the president of the student body; however, if the student body president is not a full-time student who maintains permanent residency in the commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this commonwealth as the student member. The faculty member and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring by reason of such termination shall be filled for the remainder of the respective terms in the same manner. The ten (10) citizen members of the board shall annually elect one (1) of their number to serve as chairman of the board.

(2) To facilitate transition of the University of Louisville to full status as a state institution, terms of members of the board of trustees in office on July 1, 1970, shall be terminated as of that date or as of the date their successors are appointed and qualify, and their successors shall be appointed by the governor according to the following schedule:

(a) Two (2) for one (1) year terms.

(b) Two (2) for two (2) year terms, one (1) of which shall be an alumnus or alumna of the university, selected from a list of three (3) names submitted by the alumni of the University in such manner and according to rules prescribed by the board of trustees;

(c) Three (3) for three (3) year terms;

(d) Three (3) for four (4) year terms.

(3) At the expiration of the respective terms of the citizen members of the board of trustees as prescribed in subsection (2) of this section, successors shall be appointed by the governor for terms of four (4) years each, and in making such appointments the governor shall observe the requirements relating to nominations by the alumni members. Subject to such requirements the governor shall make his appointments from the state at large so as to divide the representation upon the board as nearly equally as possible between the two (2) leading political parties in this state.

(4) Vacancies among the citizen members of the board occurring by death, resignation, removal of residence from the commonwealth or any other cause shall be filled by appointments made by the governor for the expiration of the term, subject to the qualifications set forth in subsections (3) of this section.

(5) [No member of the board of trustees or of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty and student members.

(6)] Subsection (2) of KRS 63.080 is hereby expressly made applicable to members of the board of trustees of the University of Louisville."

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 2 to **HB 661:**

Amend printed copy of Amendment to Floor Amendment No. 1 to **HB 661** on page 1, by adding:

"(4) No member of a board of trustees or regents shall have an interest in any contract with a state university unless such contract shall have been subjected to competitive bidding in compliance with KRS Chapter 45, unless such trestee or regent shall have been the lowest bidder and unless such trustee or agent shall have first notified in writing to the remaining members of the board, and to the newspaper having the largest circulation in the county in which the state university is located, of his intention to bid on such contract."

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 3 to **HB 661:**

Amend printed copy of Floor Amendment No. 1 to **HB 661** on page 4, line 2, by deleting the " [" and inserting " [" before the word "board" and by inserting a "]" after the word "its" and on the same line by adding after the word "staff" the words "*of the university*";

and on page 6, line 5, by deleting the " [" and inserting a " [" before the word "board" and by inserting a "]" before the word "teaching";

and on page 6, line 9, by deleting the "]".

Agreed.

Representative B. Richardson moved that **HB 661,** as amended, be passed.

On the roll call the vote was yeas 61-J. Allen, Bendl, Bennett, Beshear, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Craddock, Cyrus, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Head, Hines, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, List, Marcum, May, Maynard, McBee, Morris, Nett, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 21-Adams, W. Allen, Benson, Boatwright, Clarke, Crupper, DeFalaise, Guenthner, Hancock, Holbrook, Holloway, Layman, Lindsay, Mann, McNutt, Pearman, Plummer, Rattliff, Schmidt, Trevey, Van Horn.

HB 661, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 661,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 566, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hines moved the adoption of the following Floor Amendment No. 1 to **HB 566:**

Amend printed copy of **HB 566** on page 2, line 14, by deleting the word "this" following the word for and add the word "*The*"

and on page 2, by deleting lines 15, 16, 17, 18, 19 in their entirety and add in lieu "purpose of increasing the supply of physicians in medically under served areas of Ky.

On the roll call the vote was yeas 41-Bendl, Benson, Beshear, Blythe, Boswell, Burch, Clarke, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Haering, Hines, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Lindsay, Mann, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Riner, Sale, Schmidt, Stone, Thomas, Weinberg, Wilborn, Williams, Wright. Nays 39-Adams, J. Allen, W. Allen, Arnold, Brinkley, Brown, Burnette, Carpenter, Crupper, Cyrus, Davenport, DeMarcus, Deskins, Hancock, Holbrook, Hurst, Imes, Jones, Layman, Marcum, May, McBee, McKinney, McNutt, Overstreet, Patrick, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, F. Smith, R. Smith, Stewart, Tobin, Turner, Van Horn, White.

Floor Amendment No. 1 to **HB 566** was adopted.

Representative Hines moved that **HB 566,** as amended, be passed.

Representative J. Allen moved that **HB 566,** as amended, be laid on the table.

On the roll call the vote was yeas 58-Adams, J. Allen, W. Allen, Arnold, Benson, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dunn, Fitzgerald, Guenthner, Guy, Holbrook, Hurst, Imes, Jones, Layman, List, Little, Marcum, May, McKinney, McNutt, Noe, Overstreet, Patrick, Pearman, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, F. Smith, R. Smith, Stewart, Stone, Tomas, Tobin, Trevey, Turner, Van Horn, White, Worthington, Wright, Yates. Nays 32-Bendl, Bennett, Beshear, Blythe, Burch, Clarke, DeFalaise, Donnermeyer, Foster, Gray, Haering, Head, Hines, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Lindsay, Mann, McBee, Nett, Petty, Priddy, Riner, Sale, Schmidt, Siemens, Weinberg, Wilborn, Williams.

HB 566, as amended, was laid on the table.

HB 229, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wells moved the adoption of the Committee Substitute to **HB 229.** Agreed.

Representative Pearman moved the adoption of the previous question on **HB 229.**

On the roll call the vote was yeas 4-Foster, Pearman, Sale, White. Nays 78-Adams, J. Allen, W. Allen, Arnold, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Bruce, Burch, Burnette, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Gray, Guenthner, Haering, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Layman, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright, Yates.

The motion that the previous question be adopted on **HB 229** was rejected.

Representative Clarke moved that **HB 229,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 100-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 229, by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 229,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 634, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the Committee Amendment No. 1 to **HB 634.** Agreed.

Representative Donnermeyer moved that **HB 634,** as amended, be passed.

On the roll call the vote was yeas 50-Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Clapp, Clarke, Crupper, Cyrus, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hancock, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Little, Mann, Maynard, Nett, Noe, Petty, Priddy, P. Richardson, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Williams, Wright, Yates. Nays 25-Adams, J. Allen, W. Allen, Bruce, Burnette, Carpenter, DeFalaise, Foster, Haering, Holbrook, Holloway, Layman, Lindsay, List, Marcum, May, McNutt, Morris, O'Brien, Patrick, Pearman, Rattliff, Richards, B. Richardson, Weinberg.

HB 634, as amended, was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which **HB 634,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 497 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved the adoption of the following Floor Amendment No. 1 to **HB 497:**

Amend printed copy of **HB 497** on page 1, line 13, by deleting the following words: "*Chapter 510*" and inserting in lieu thereof the following words: "*510.010 to 510.140*"

Agreed.

Representative Bendl moved that **HB 497,** as amended, be passed.

Representative DeFalaise moved that **HB 497,** as amended, be placed on the Clerk's desk.

On the roll call the vote was yeas 21-J. Allen, W. Allen, Brinkley, Burnette, Crupper, DeFalaise, DeMarcus, Deskins, Gay, Guenthner, Head, Holbrook, Layman, Little, Plummer, Rattliff, Riner, Stone, Trevey, Van Horn, Weinberg. Nays 46-Bendl, Bennett, Beshear, Blandford, Blythe, Bruce, Burch, Carpenter, Clarke, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hines, Isler, Johnson, Kidd, Kleier, List, Mann, Marcum, Maynard, McBee, McNutt, Noe, O'Brien, Overstreet, Patrick, Pearman, Priddy, Richards, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Thomas, Turner, White, Wilborn, Williams, Yates.

The motion that **HB 497,** as amended, be laid on the Clerk's desk was rejected.

On the roll the vote was yeas 46-Adams, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Brinkley, Burch, Carpenter, Clarke, Cyrus, Fitzgerald, Foster, Gray, Guenthner, Hancock, Hines, Holloway, Johnson, Kenton, Kidd, Kleier, LeMaster, List, Mann, Marcum, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Priddy, B. Richardson, Romines, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Wilborn, Williams, Yates. Nays 41-J. Allen, W. Allen, Boatwright, Boswell, Brown, Bruce, Burnette, Crupper, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Gay, Guy, Haering, Head, Holbrook, Hurst, Isler, Jones, Layman, Lindsay, Little, May, McBee, McKinney, McNutt, Patrick, Pearman, Plummer, Rattliff, Richards, P. Richardson, Riner, Robinson, R. Smith, Van Horn Weinberg, Worthington, Wright.

HB 497, as amended, was passed and the title agreed to.

Representative Bendl moved that the vote by which **HB 497,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 214, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 2 to **HB 214.** Agreed.

Representative B. Richardson moved that **HB 214,** as amended, be passed.

On the roll call the vote was yeas 84-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, Lindsay, List, Little, Marcum, May, McBee, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Van Horn, White, Williams, Wright, Yates. Nays 0.

HB 214, as amended, was passed and the title agreed to.

Represntative B. Richardson moved that the vote by which **HB 214,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

HB 216, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the Committee Amendment No. 1 to **HB 216.** Agreed.

Representative Clarke moved that **HB 216,** as amended, be passed.

Representative Carpenter moved the adoption of the following Floor Amendment No. 4 to **HB 216:**

Amend printed copy of **HB 216** on page 79, after line 23, by adding the following:

"SECTION 38. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:"

KRS 160.500 to the contrary notwithstanding, if a tax authorized by KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648 shall be collected by a board of education, the board of education shall appoint a person who shall be responsible for collection and administration of such tax. If one or more boards of education agree in writing to levy identical taxes authorized by the statutes mentioned herein above, the boards of education so agreeing shall jointly appoint a person who shall be responsible for collection and administration of such tax as provided for in KRS 160.593(2). The position may be full-time or part-time and his compensation shall be fixed by the board and/or boards of education. The bond of this person shall be made to cover his duties as tax collector."

and on page 79, line 24, by renumbering "Section 38" to "Section 39";

and on page 79, line 25, by renumbering "Section 39" to "Section 40".

Representative Boatwright moved the adoption of the following Floor Amendment No. 5 to **HB 216:**

Amend printed copy of **HB 216** on page 79, after line 23 by adding:

"Section 38. KRS 138.344 is amended to read as follows:

(1) Any person who shall purchase gasoline, on which the tax as imposed by KRS 138.220 has been paid, for the purpose of operating or propelling stationary gasoline engines or tractors for agricultural purposes, shall be reimbursed *for the full amount* [to the extent of ninety per cent (90%)] of the tax so paid on such gasoline; Provided, however, That no refund shall be authorized unless applications therefor and all necessary information shall be filed with the department of revenue within ninety (90) days after the close of a calendar year during or in which such purchases were made; or at any time during the calendar year during or in which such purchase was made; and further provided that no refund shall be authorized for purchases of less than fifty (50) gallons.

(2) The only information to be required from the permit holder, by the department of revenue, in order that such refund may be allowed, is as follows:

(a) Name and address of permit holder .... permit number .....

(b) Total number of gallons purchased .... and total purchase price ..... (Invoices to be attached to refund application.)

(c) Total number of gallons used in tractors on highways .....

(d) Total number of gallons on which refund is claimed ..... (Line b minus line c.)"

and by renumbering all subsequent sections.

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 3 to **HB 216:**

Amend printed copy of **HB 216** on page 8, line 3, by deleting "1979" and inserting in lieu thereof "1981".

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 2 to **HB 216:**

Amend printed copy of **HB 216** on page 79, by inserting after line 23 the following language:

"SECTION 38. A NEW SECTION OF KRS CHAPTER 131 IS CREATED TO READ AS FOLLOWS:

(1) Whenever it is determined that a taxpayer, who holds a license to mine coal in Kentucky under KRS 351.175, is a "delinquent taxpayer" as defined in subsection (2) of this section, the Department of Revenue shall, after giving notice as provided in subsection (3) of this section, submit the name of such taxpayer to the Department of Mines and Minerals for revocation of the license issued under KRS 351.175.

(2) Either of the following situations is sufficient to cause a taxpayer to be classified as a "delinquent taxpayer" for purposes of this section:

(a) When a taxpayer holding a license under KRS 351.175 has an overdue state tax liability arising directly or indirectly from the mining, transportation or processing of coal, for which all protest and appeal rights granted by law have expired and has been contacted by the department concerning the overdue tax liability. This does not include a taxpayer who is making current timely installment payments on such overdue tax liability under agreement with the department.

(b) When a taxpayer holding a license under KRS 351.175 has not filed a required tax return as of thirty (30) days after the due date or after the extended due date, and has been contacted by the department concerning the delinquent return. This applies only to tax returns required as the result of the taxpayer's involvement inthe mining, transportation or processing of coal.

(c) When an owner, partner or corporate officer of a proprietorship, partnership or corporation holding a license under KRS 351.175, held a similar position in a business whose license was revoked as a "delinqunet taxpayer", and the tax liability remains unpaid.

(3) At least twenty (20) days in advance of submitting a taxpayer's name to the Department of Mines and Minerals a provided in subsection (1) above, the department shall notify the taxpayer by certified mail that such action is to be taken. The otice shall state the reason for such action and shall set out the amount of any tax liability incuding any applicable penalties and interest and any other area of noncompliance which must be satisfied in order to prevent the submission of his name to the Department of Mines and Minerals as a "delinquent taxpayer".

Section 39. KRS 361.175 is amended to read as follows:

(1) Within forty-five (45) days after January 1, 1953, and of each year thereafter, the owner, operator, or lessee of each mine shall procure from the department a license to operate such a mine, and such license shall not be transferable. Any owner, operator, or lessee who assumes control of a mine, opens a new mine or reopens an abandoned mine during any calendar year shall procure such license before mining operations are begun.

(2) The license shall be in such printed form as the commissioner may prescribe and when issued shall be kept posted at a conspicuous place near the main entrance of the mine.

(3) Requests for such license shall be made to the department and such requests shall be accompanied by a U.S. postal money order or cashier's check drawn in favor of the state treasurer in a reasonable amount established by regulations promulgated by the commissioner of a minimum of one hundred dollars ($100) and a maximum of one thousand dollars ($1,000). When the annual report of the operator and the annual mine map, as required by KRS 351.170 and 352.450, together with a certification from the commissioner of labor that the applicant, except an applicant for a mine license who employs fewer than ten (10) employes, for license has presented positive proof of compliance with the provisions of KRS chapter 342, are properly submitted to the department, the license shall be issued. The commissioner or his accredited agents shall have the authority to extend the time for filing of the map not to exceed an additional forty-five (45) days. Upon receipt of withdrawal of the certification of the commissioner of labor, *or upon receipt of notice from the commissioner of revenue that the licensee is a "delinquent taxpayer", as defined in KRS Chapter 131,* the department shall forthwith revoke any license hereunder issued. Revocation of said license shall be an administrative function of the department. Appeal of said administrative function shall lie in the Fayette Circuit Court.

(4) Any owner, operator or lessee operating a mine and who fails to obtain his license as required by this section shall be guilty of a misdemeanor, and shall be subject to a fine of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) at the discretion of the court. Each day the mine is operated without a license constitutes a separate offense. Jurisdiction for such offenses shall lie in the circuit court of the county in which the offense occurred.

(5) The mine inspector shall have the authority to stop production at the mine of any operator who fails to procure a license or fails to furnish a certification of compensation coverage as required under this section.

(6) The application for a license shall be accompanied by a transportation plan which shall set forth the portions of the state primary road system, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of KRS 189.271 to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the department of transportation attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the state primary road system and the accuracy of the specifications of weight limits on such highways and bridges.

(7) A license which has been revoked under the "delinquent taxpayer" provision shall not be re-issued until a written tax clearance has been received from the commissioner of revenue."

and on page 79, line 24, by deleting "38" and inserting in lieu thereof "39";

and on page 79, line 25, by deleting "39" and inserting in lieu thereof "40".

Agreed.

Representative Craddock moved the adoption of the following Floor Amendment No. 7 to **HB 216.**

Amend printed copy of **HB 216** on pages 47 through 49, by deleting Section 22 in its entirety and renumbering the following sections accordingly.

Agreed.

Representative B. Richardson moved that **HB 216,** as amended, be passed.

On the roll call the vote was yeas 79-Adams, J. Allen, W. Allen, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Little, Mann, Marcum, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 4-Lindsay, Pearman, P. Richardson, Van Horn.

HB 216, as amended, was passed and the title agreed to.

Representative Clarke moved that the vote by which **HB 216,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 555, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Trevey moved the adoption of the Committee Substitute to **HB 555.** Agreed.

Representative Trevey moved that **HB 555,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 78-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brown, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kidd, Kleier, Layman, Lindsay, List, Little, Mann, Marcum, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Wells, Wright, Yates. Nays 0.

HB 555, by way of Committee Substitute, was passed and the title agreed to.

Representative Trevey moved that the vote by which **HB 555,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 578, with Committee Amendment attached thereto, taken from Orders of the day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Amendment No. 1 to **HB 578.** Agreed.

Representative Richards moved that **HB 578,** as amended, be passed.

On the roll call the vote was yeas 80-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Hines, Holloway, Imes, Isler, Jones, Kidd, Kleier, Layman, Lindsay, List, Little, Mann, Maynard, McBee, McKinney, McNutt, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, Wells, Wilborn, Worthington, Yates. Nays 2-Holbrook, Trevey.

HB 578, as amended, was passed and the title agreed to.

Representative Richards moved that the vote by which **HB 578,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 617 taken from Orders of the Day and ordered read at length fot the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Represntative Weinberg moved the adoption of the following Floor Amendment No. 1 to **HB 617.** Agreed.

Representative Weinberg moved that **HB 617,** as amended, be passed.

On the roll call the vote was yeas 86-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 617, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 617,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 625 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Amendment No. 1 to **HB 625.** Agreed.

Representative Richards moved that **HB 625,** as amended, be passed.

On the roll call the vote was yeas 71-Adams, J. Allen, W. Allen, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brown, Bruce, Burch, Craddock, Crupper, Cyrus, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Robinson, Romines, Sale, R. Smith, Stewart, Stone, Thomas, Wells, White, Worthington, Wright. Nays 6-Burnette, Clarke, Lindsay, List, Pearman, Van Horn.

HB 625, as amended, was passed and the title agreed to.

Representative Richards moved that the vote by which **HB 625,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 627, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Amendment No. 1 to **HB 627.** Agreed.

Representative Richards moved the adoption of the Committee Amendment No. 2 to **HB 627.** Agreed.

RepresentativeRichards moved that **HB 627,** as amended, be passed.

On the roll call the vote was yeas 57-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Craddock, Cyrus, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Hines, Isler, Johnson, Kenton, Kidd, Kleier, List, Little, Marcum, May, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, F. Smith, Stewart, Stone, Worthington, Wright. Nays 23-W. Allen, Benson, Clarke, Crupper, Davenport, DeFalaise, DeMarcus, Fitzgerald, Head, Holbrook, Holloway,Layman, Lindsay, Mann, Nett, Pearman, Plummer, Rattliff, Schmidt, R. Smith, Thomas, Turner, Van Horn.

HB 627, as amended, was passed and the title agreed to.

Representative Richards moved that the vote by which **HB 627**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 675 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative O'Brien moved the adoption of the following Floor Amendment No. 1 to **HB 675:**

Amend printed copy of **HB 675** on page 4, lines 18 and 19, by deleting those two lines and substituting in lieu thereof "secretary of the executive department for finance and administration, who shall be responsible for all procurement of the Commonwealth except as provided by KRS Chapters 175, 176, 177 and 180";

and on page 9, line 26, by deleting that line;

and on page 10, lines 1 through 16, by deleting those lines in their entirety, and inserting in lieu thereof the words "The secretary of the executive department for finance and administration shall provide for the distribution of the department's procurement activities and functions among the various bureaus within the department.";

and on page 10, line 19, by deleting the words "chief purchasing officer" and inserting in lieu thereof the words "executive department for finance and administration";

and on page 10, line 22, by deleting the word "office" and inserting in lieu thereof the word "agency";

and on page 10, lines 24 and 25, by deleting everything in those two lines except the semicolon;

and on page 11, line 14, by deleting the semicolon and the word "and", and inserting in lieu thereof a period;

and on page 11, lines 15 through 17, by deleting those lines in their entirety;

and on page 12, lines 2 and 3, by deleting the words "and the chief purchasing officer";

and on page 12, lines 5 and 6, by deleting the words "the chief purchasing officer and approved by the secretary" and inserting in lieu thereof the words "secretary of the executive department for finance and administration";

and on page 12, line 8, by deleting the words "division of state purchasing" and inserting in lieu thereof the words "executive department for finance and administration";

and on page 13, lines 8 and 9, by deleting the words "the chief purchasing officer or";

and on page 13, lines 23 and 24, by deleting the words "and the chief purchasing officer";

and on page 14, lines 1 and 2, by deleting the words "or the chief purchasing officer";

and on page 14, lines 3 through 11, by deleting those lines in their entirety;

and on page 13, by deleting the word "(1)";

and on page 15, lines 3 and 4, by deleting the words "The chief purchasing officer, with the approval of the secretary," and inserting in lieu thereof the words "The secretary of the executive department for finance and administration";

and on page 15, line 7, by deleting the word "delegated";

and on page 19, line 17, by deleting the word "chief";

and on page 19, line 23, by deleting the word "chief";

and on pages 19 to 20, by making subsection (2) of Section 18 become subsection (3) of Section 18 and by making subsection (3) of Section 18 become subsection (2) of Section 18, that is, reverse the order in which those two subsection appear;

and on page 20, line 2, by deleting the word "responsible" and inserting in lieu thereof the word "competitive";

and on page 20, line 6, by deleting the word "responsible" and inserting in lieu thereof the word "competitive";

and on page 20, line 8, by deleting the word "responsible" and inserting in lieu thereof the word "competitive";

and on page 23, line 5, by deleting the word "chief";;

and on page 23, line 13, by deleting the words "twenty-five hundred dollars ($2,500)" and inserting in lieu thereof the words "one thousand dollars ($1,000)";

and on page 24, line 5, by deleting the word "chief";

and on pasge 27, line 5, by deleting the words "chief purchasing officer" and inserting in lieu thereof the words "secretary of the executive department for finance and administration";

on page 32, line 11, by deleting the words "division of state purchasing" and inserting in lieu thereof the words "executive department for finance and administration";

and on page 33, line 19, by deleting the word "chief";

and on page 39, line 15, by deleting the word "chief";

and on page 39, line 18, by deleting the word "chief";

and on page 40, lines 4, 7, 9, 12, 14, 17, 20, 21, 23 and 25, by deleting the word "chief" in each of those lines;

and on page 41, line 1, by deleting the word "chief";

and on page 42, line 19, by deleting the words "the division of purchasing of"

and on page 45, lines 6 and 7, by deleting the words "the chief purchasing officer or";

and on page 45, lines 13 and 14, by deleting the words "the chief purchasing officer or";

and on page 48, line 3, by bracketing the word "commissioner" and inserting in front thereof the word " *secretary*";

and on page 48, line 11, by bracketing the word "commissioner" and inserting in front thereof the word " *secretary*";

and on page 48, line 16, by bracketing the word "commissioner" and inserting in front thereof the word " *secretary*";

and on page 49, line 21, by deleting the words "chief purchasing officer, or";

and on page 50, lines 4, 12, 18 and 19, and 26, by deleting the words "the chief purchasing officer, or" in each of those lines;

and on page 50 and 51, lines 26 and 1, respectively, by deleting the words "head of the purchasing agency" and inserting in lieu thereof the words "secretary of the executive department for finance and administration";

and on page 51, lines 8 and 9, by deleting the words "division of state purchasing" and inserting in lieu thereof the words "executive department for finance and administration";

and on page 54, lines 5 and 6, by deleting the words "chief purchasing officer" and inserting in lieu thereof the words "department of local government";

and on page 54, lines 23 and 24, by deleting the words "chief purchasing officer" and inserting in lieu thereof the words "department of local government";

on page 55, line 7, by deleting the words "chief purchasing officer" and inserting in lieu thereof the words "department of local government";

and on page 55, line 24, by deleting the word "chief";

and on page 56, lines 6, 10, and 12, by deleting the words "chief purchasing officer" in each of those lines and inserting in lieu thereof in each instance the words "department of local government";

and on page 56, line 17, by deleting the word "(1)";

and on page 56, line 20, by deleting the semicolon and the word "and";

and on page 56, lines 21 through 24, by deleting everything in those lines except the period;

and on page 62, lines 11 and 12, by deleting the words "of the division of state purchasing,";

and on page 63, lines 4 and 5, by deleting the words "of the division of purchases";

and on page 93, lines 11 through 26, and page 94, lines 1 through 26, and page 95, lines 1 through 26, page 96, lines 1 through 26, page 97, lines 1 through 26, and page 98, lines 1 through 26, and page 99, lines 1 through 6, by deleting all those lines (that is, delete sections 95 and 96 from the bill);

and on page 99, line 7, by deleting the numeral "97" and inserting in lieu thereof the numeral "95";

and on page 105, line 15, by deleting the numeral "98" and inserting in lieu thereof the numeral "96";

and on page 107, line 20, by deleting the numeral "99" and inserting in lieu thereof the numeral "97";

and on page 108, line 6, by deleting the numeral "100" and inserting in lieu thereof the numeral "98";

and on page 110, line 13, by deleting the numeral "101" and inserting in lieu thereof the numeral "99";

and on page 111, line 3, by deleting the numeral "102" and inserting in lieu thereof the numeral "100";

and on page 117, line 24, by deleting the numeral "103" and inserting in lieu thereof the numeral "101";

and on page 118, line 11, by deleting the numeral "104" and inserting in lieu thereof the numeral "102";

and on page 118, line 20, by deleting the numeral "105" and inserting in lieu thereof the numeral "103";

and on page 120, line 7, by deleting the numeral "106" and inserting in lieu thereof the numeral "104";

and on page 120, line 13, by deleting the numeral "107" and inserting in lieu thereof the numeral "105";

and on page 120, line 22, by deleting the numeral "108" and inserting in lieu thereof the numeral "106";

and on page 120, line 26, by deleting the numeral "109" and inserting in lieu thereof the numeral "107";

and on page 121, line 3, by deleting the numerals "102", "105" and "107", and inserting in lieu thereof the numerals "100", "103" and "105", respectively;

and on page 121, line 4, by deleting the numeral "110" and inserting in lieu thereof the numeral "108";

and on page 121, line 6, by deleting the numerals "103" and "104" and inserting in lieu thereof the numerals "101" and "102", respectively;

and on page 121, line 7, by deleting the numerals "106" and "108" and inserting in lieu thereof the numerals "104" and "106", respectively;

and on page 60, line 25, by placing a comma ","after the word "contract", and by placing brackets around the word "or" after the word "contract", and by placing a comma "," after the word "agreement" and by placing brackets around the word "for" after the word "agreement", and by adding, after the word "purchase", the words "*of the value of twenty-five dolalrs ($25.00)* or more";

and on page 60, line 26, by deleting the words "*or this code*" and by placing brackets around the words "as provided by KRS Chapter 45,";

and on page 61, line 1, by adding, after the word "unless", the words "*said contract, agreement, sale or purchase was made or let after public notice and competitive bidding*";

and on page 61, lines 1 and 2, by deleting the words "*and this code*" and by placing brackets around the words "the provisions of KRS Chapter 45 are complied with";

and on page 70, line 10, by deleting the words "75, 76 and 77" and substituting in lieu thereof the words "75, 76, 77 and 78";

and on page 76, lines 14 and 15, by deleting the words "and the services are to be rendered in a personal representative capacity,";

and on page 76, line 17, by adding, after the word "services", the words "rather than professional architect or engineer services";

and on page 93, line 3, by deleting the word "95" and substituting in lieu thereof the word "92";

and on page 45, line 3, by deleting the word "by";

and on page 33, line 3, by placing the letter "A" between the numeral "35" and the period ".";

and on page 36, lines 3 through 26, by deleting those lines; and on page 37, lines 1 through 14, by deleting those lines; and on page 85, lines 16 through 26, by deleting those lines; and on page 86, lines through 26, by deleting thoe lines and on page 87, line 1, by deleting that line.

Agreed.

Representative O'Brien moved that **HB 675,** as amended, be passed.

On the roll call the vote was yeas 76-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Weinberg, Williams, Wright, Yates. Nays 5-Brown, Holbrook, Layman, Pearman, Van Horn.

HB 675, as amended, was passed and the title agreed to.

Represntative O'Brien moved that the vote by which **HB 675,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 676, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, Marcum, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Trevey, Turner, Van Horn, White, Wright, Yates. Nays 5-Brown, Layman, Pearman, Weinberg, Worthington.

HB 676 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 676** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 686, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Adams moved the adoption of the Committee Substitute to **HB 686.** Agreed.

Representative Adams moved the adoption of the Committee Amendment No. 1 to the Committee Substitute to **HB 686.**

And on the roll call the vote was yeas 49-Adams, J. Allen, Arnold, Bendl, Bennet, Benson, Blandford, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Hancock, Head, Imes, Jones, Kenton, Mann, May, Morris, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Riner, Romines, Siemens, F. Smith, Stewart, Stone, Wells, Williams, Yates. Nays 37-W. Allen, Beshear, Blythe, Crupper, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Guenthner, Hearing, Holbrook, Holloway, Hurst, Isler, Layman, LeMaster, List, Little, Marcum, McBee, McKinney, Overstreet, Patrick, Pearman, Plummer, Rattliff, Robinson, Schmdit, R. Smith, Thomas, Trevey, Turner, Van Horn, Weinberg, White, Wright.

The Committee Amendment No. 1 to the Committee Substitute to **HB 686** was adopted.

Representative Adams moved the adoption of the following Floor Amendment No. 4 to **HB 686;**

Amend printed copy of Committee Substitute for **HB 686** on page 7, line 23, by inserting before the word "Except" the following number "*(1)*";

and on page 8, after line 10 and before line 11, by inserting the following new subsection (2):

"*(2) The secretary for the department for human resources shall distribute to community mental health-mental retardation boards those general funds appropriated to the department for the operation of regional community mental health-mental retardation programs. This distribution shall be by a formula whichincludes provisions for: (a) Per capita allocations; (b) Incentive allocations which require local matching funds based on the per capita wealth of the area served; and (c) Discretionary allocations to be available to the secretary to maintain essential services pursuant to Section 6 of this Act. The formula for allocation of community mental health-mental retardation program general funds shall be prescribed by administrative regulations.*"

and on page 11, by deleting after subsection "*(b)*" lines 12 through 18 in their entirety and by inserting in lieu thereof the following:

"*Apply for a public hearing before the Statewide Heatlh Coordinating Council (SHCC) created pursuant to P.L. 93-641 to show cause why such action should not stand. Such application shall be made within seven (7) days of the receipt of such letter from the secretary. The public hearing shall be held before a hearing officer designated by the SHCC within ten (10) days of the application by the Mental Health-Mental Retardation Board for such hearing. The hearing officer shall prepare a written finding of facts, conclusions of law and recommendation to the SHCC within ten (10) days after the date of the hearing. This finding of facts, conclusions of law and recommendation shall be filed with the secretary who shall call a special meeting of the*

SHCC for the purpose of considering the hearing officer's findings and recommendation and making a ruling thereon."

Agreed.

Representative Lindsay moved the adoption of the Floor Amendment No. 1 to the Committee Substitute to **HB 686:**

Amend printed copy of Committee Substitute for **HB 686** on page 10, line 26, by adding a new section as follows:

"(c) The amount of compensation payable to any person who is employed as an executive director of any regional community mental health-mental retardation board shall not exceed the maximum amount of compensation set by the governor for the commissioner of the department of local government."

On the roll call the vote was yeas 18-J. Allen, W. Allen, Arnold, Bennett, Blythe, Davenport, DeFalaise, Fitzgerald, Guenthner, Haering, Jones, Lindsay, Noe, Patrick, Pearman, Romines, Van Horn, Wright. Nays 61-Adams, Bendl, Benson, Beshear, Blandford, Boswell, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Kenton, Kidd, LeMaster, List, Little, Mann, Marcum, May, McBee, McNutt, Morris, Nett, Overstreet, Petty, Plummer, Rattliff, Richards, P. Richardson, Riner, Robinson, Schmidt, F. Smith, Stone, Thomas, Trevey, Turner, Wells, Wilborn, Williams, Worthington, Yates.

Floor Amendment No. 1 to the Committee Substitute to **HB 686** was adopted.

Representative Adams moved that **HB 686,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 60-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Hancock, Head, Hines, Jones, Kenton, Kidd, Kleier, Mann, May, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Wells, Wilborn, Williams, Wright, Yates. Nays 30-W. Allen, Beshear, Boatwright, Burnette, Crupper, DeMarcus, Deskins, Gay, Gray, Guenthner, Haering, Holbrook, Hurst, Imes, Johnson, Layman, LeMaster, Lindsay, List, Marcum, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Trevey, Van Horn, Weinberg, Worthington.

HB 686, by way of Committee Substitute as amended, was passedand the title agreed to.

Representative Adams moved that the vote by which **HB 686,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 717 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blandford moved the adoption of the following Floor Amendment No. 1 to **HB 717:**:

Amend printed copy of **HB 717** on page 8, by deleting lines 7 through 11 in their entirety and substituting in lieu thereof:

"(5) The tobacco research board may, at its discretion, transfer any funds available to the tobacco research trust fund to the Kentucky cancer commission trust fund, and any other state agency may, at its discretion, transfer funds to the Kentucky cancer commission trust fund, provided such funds are only used for programs authorized under this Act."

Representative Bendl moved the adoption of the following Floor Amendment No. 3 to **HB 717:**.

Amend printed copy of **HB 717** on page 1, line 11, by deleting "eleven (11)" and inserting in lieu thereof "thirteen (13)"

and on page 2, line 13, by deleting "executive director"; and inserting in lieu thereof "chairperson" and on page 2, line 14, by deleting "executive director" and inserting in lieu thereof "chairperson"

and on page 2, line 16, before the word "one" by adding"a member of the Kentucky division of the American Cancer Society, one member of the Regional Cancer Center Corporation in Louisville, Kentucky,"

Agreed.

Representative McBee moved that **HB 717**, as amended, be passed.

On the roll call the vote was yeas 96-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Wright, Yates. Nays 0.

HB 717, as amended, was passed and the title agreed to.

Representative McBee moved that the vote by which **HB 717**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 293 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moced that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Van Horn moved the adoption of the following Floor Amendment No. 1 to **HB 293:**

Amend printed copy of **HB 293** on page 1, line 1, by inserting after "Section 1" the following language:

"KRS 337.010 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means commissioner of labor; and

(b) "Department" means department of labor.

(2) As used in KRS 337.275 to 337.325, 337.345, and 337.385 to 337.405 unless the context requires otherwise:

(a) "Wages" include any compensation due to an employe by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such allowances made in this chapter;

(b) "Employer" is any person who employs an employe and includes any person acting directly or indirectly in the interest of an employer in relation to an employe; and

(c) "Employe" is any person employed by or suffered or permitted to work for an employer, but shall not include:

(i) Any individual employed in agriculture;

(ii) Any individual employed in a bona fide executive, administrative, supervisory or professional capacity, or in the capacity of outside salesman, or as an outside collector as such terms are defined by administrative regulations of the commissioner;

(iii) Any individual employed by the United States;

(iv) Any individual employed in domestic service in or about a private home. The provisions of this section shall include individuals employed in domestic service in or about the home of an employer where there is more than one domestic servant regularly employed;

(v) Any individual classified and given a certificate by the commissioner of labor showing a status of learner, apprentice, handicapped worker, sheltered work-shop employe, and student under administrative procedures and administrative regulations as prescribed and promulgated by the commissioner of labor. This certificate shall authorize employment at such wages, less than the established fixed minimum fair wage rates, and for such period of time as shall be fixed by the commissioner and stated in the certificate issued to such person;

(vi) Employes of retail stores, service industries, hotels, motels, and restaurant operations whose average annual gross volume of sales made for business done is less than ninety-five thousand dollars ($95,000) for the five (5) preceding years exclusive of excise taxes at the retail level or if the employe is the parent, spouse, child, or other member of his employer's immediate family;

(vii) Any individual employed as a babysitter in employer's home, or live-in companion to a sick, convalescing or elderly person whose principal duties do not include housekeeping;

(viii) Any individual engaged in the delivery of newspapers to the consumer.

(d) "Agriculture" means farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity, the raising of livestock, bees, furbearing animals or poultry, and any practice, including any forestry or lumbering operations, performed on a farm in conjunction with such farming operations, including the preparation and delivery of produce to storage, or to market or to carriers for transportation to market;

(e) "Gratuity" means voluntary monetary contribution received by an employe from a guest, patron or customer for services rendered;

(f) "Tipped employe" means any employe engaged in an occupation in which he customarily and regularly receives more than $20.00 per month in tips;

(g) "U.S.C." means the United States Code.

(3) As used in KRS 337.505 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public works by contract fairly estimated to cost more than $500;

(b) "Contractor" and "subcontractor" include any superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c)1. "Locality" shall be determined by the commissioner of labor. He may designate more than one county as a single locality but, if more than one county is designated, such multi-county locality shall not extend beyond the boundaries of the federal congressional district in which that county is located. In no event shall he designate less than an entire county as a locality.

2. "Locality" with respect to contracts advertised or awarded by the department of transportation of this state shall be determined by the secretary of transportation. He may designate any number of counties as constituting a single locality. He may also designate all counties of the commonwealth as a single locality, but, in no event, shall he designate less than an entire county as a locality.

(d) "Public authority" means any officer, board, or commission of this state, or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, including publicly owned or controlled corporations, authorized by law to enter into any contract for the construction of public works [;] and *any non-profit corporation funded to act as an agency and instrumentality of the* *government agency in connection with the construction of public building facilities, including but not limited to the types of entities funded through revenue bonds; and*

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or work constructed under contract with any public authority.

(4) In any case where the federal government or any of its agencies furnishes by loans or grants any part of the funds used in constructing public works, and if the federal government or its agencies prescribe predetermined prevailing minimum wages to be paid to mechanics, workmen, and laborers employed in the construction of such public works and where KRS 337.505 to 337.550 is also applicable, those wages in each classification which are higher shall prevail.

Section 2."

Agreed.

Representative Van Horn moved that **HB 293,** as amended, be passed.

On the roll call the vote was yeas 76-Adams, J. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Boswell, Brown, Bruce, Burch, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, Little, Mann, Marcum, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Wells, White, Williams, Wright, Yates. Nays 6-Blythe, Clarke, DeFalaise, Schmidt, Weinberg, Wilborn.

HB 293, as amended, was passed.

Representative Van Horn moved the adoption of the following Title Amendment to **HB 293:**

Amend printed copy of **HB 293** on page 1, the Title line, by deleting same and inserting in lieu thereof "AN ACT relating to wages and hours."

The Title Amendment was adopted.

Representative Van Horn moved that the vote by which **HB 293,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 727 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative List moved that **HB 727** be passed.

On the roll call the vote was yeas 85-Adams, J. Allen, Arnold, Bendl, Beshear, Blandford, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 727 was passed and the title agreed to.

Representative List moved that the vote by which **HB 727** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 87, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Holbrook moved the adoption of the following Floor Amendment No. 17:

Amend printed copy of Committee Substitute for **HB 87,** by deleting Section 131 in its entirety, and by re-numbering of each section thereafter.

On the roll call the vote was yeas 66-J. Allen, W. Allen, Arnold, Bendl, Bennett, Blandford, Boatwright, Boswell, Bruce, Burch, Clapp, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guenthner, Guy, Haering, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, List, Marcum, McBee, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, F. Smith, R. Smith, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wright, Yates. Nays 12-Benson, Blythe, DeFalaise, Hancock, Hines, Kleier, Mann, Maynard, McNutt, Siemens, Wilborn, Williams.

Floor Amendment No. 17 to **HB 87** was adopted.

Representative DeFalaise moved the adoption of the following Floor Amendment No. 19 to **HB 87:**

Amend printed copy of Committee Substitute for **HB 87** on page 158, by adding after line 1 the following:

"Section 139. KRS 81.100 is amended to read as follows:

(1) The boundaries of *any city* [cities of the first class] shall remain as established by law until changed as provided in KRS 81.100 *and Section 2 of this Act* [to 81.130]. Whenever a city of the first class desires to annex any [unincorporated] territory or to reduce the boundaries of the city, the city legislative body may, *during the first four (4) months of a calendar year,* enact an ordinance, defining accurately the boundary of the territory proposed to be annexed or stricken off.

(2) The boundaries of territory to be annexed or stricken off shall not divide an election precinct.

(3) The ordinance shall include a time and place for a hearing which shall be scheduled in June of the year in which the ordinance is adopted.

(4) The ordinance shall be published pursuant to KRS chapter 424. [In not less than thirty (30) days after the enactment of the ordinance,] If the publication has been made *and the public hearing has been held as required in subsection (3) of this section,* and no petition has been filed [in the circuit court] as provided in *Section 2 of this Act* [KRS 81.110], the city legislative body may enact another ordinance annexing to the city or striking from the city the territory described in the ordinance. Upon the enactment of this ordinance, the territory shall become part of the city, or be stricken from the city.

SECTION 140. A NEW SECTION OF KRS CHAPTER 81 IS CREATED TO READ AS FOLLOWS:

(1) During the months of July and August of the year in which a city adopts an ordinance proposing to annex or strike off territory, one or more registered voters of the territory proposed to be annexed or striken off may file a petition with the county clerk of the county in which the territory is located, requesting the county clerk to place one of the following questions on the ballots in the territory to be annexed at the next regular election: "Shall the area described in Ordinance Number --------- of the City of --------- be stricken from the City of ---------?"

(2) During the month of September of the year in which a city adopts an ordinance proposing to annex or strike off territory, the county clerk shall determine the percentage of registered voters of the territory to be annexed or stricken off who have petitioned to place the question of the proposed annexation or striking on the ballots in the territory at the next regulation election. The county clerk shall notify the city in writing of the determination and the determination shall be final.

(3) Upon notification by the county clerk that twenty-five percent (25%) of the registered voters of the territory to be annexed or stricken off have not petitioned, the city may, within thirty (30) days of the date of such notification, enanct an ordinance annexing or striking off the territory in question. The ordinance shall become effective on the last day of the calendar year in which it is enacted.

(4) Upon determination by the county clerk that twenty-five percent (25%) of the registered voters of the territory to be annexed or stricken off have petitioned, the county clerk shall, at the next regular election,

cause one of the following questions to be placed upon the ballots in the territory to be annexed or stricken off: "Shall the area described in Ordinance Number --------- of the City of --------- be annexed to the City of ---------?" or "Shall the area described in Ordinance Number --------- of the City of --------- be stricken from the City of ---------?" Within ten (10) days of the date of such election, the county clerk shall notify the city in writing of the results thereof.

(5) Upon receipt of the notification of the county clerk that a majority of those voting on the question voted "yes", the city may enact an ordinance annexing to the city or striking from the city the territory in question. The ordinance shall become effective on the last day of the calendar year in which it is enacted.

SECTION 141. A NEW SECTION OF KRS CHAPTER 81 IS CREATED TO READ AS FOLLOWS:

A city shall tax property within an annexed territory only in such amounts as is commensurate with city services or facilities provided to residents or property in annexed territory.

SECTION 142. A NEW SECTION OF KRS CHATPER 81 IS CREATED TO READ AS FOLLOWS:

In no case shall a city which has annexed territory solely assess property that is within the annexed territory to pay for the extension of services provided for in Section 1 of this Act.

Section 143. KRS 81.130 is amended to read as follows:

A [first-class] city annexing the territory of a smaller city shall be bound for all the debts and liabilities of that city and shall be the owner of all of its corporate property, franchises and rights. If only a portion of the territory of any city is annexed, the amount of the existing debts and liabilities for which the annexing city is bound shall be in the proportion as the value of the property so annexed bears to the value of all the property of the city from which the territory is taken, as shown by the last preceding assessment of the assessor of that city.

Section 144. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions of applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 145. KRS 81.110, Protest against annexation of unincorporated territory or reduction of territory by first-class city — Trial — Judgment; 81.120, Annexation of another city by a first-class city; 81.130, First-class city takes over rights and liabilities of city annexed; 81.140, Annexation of unincorporated territory or reduction of territory by second-class city; 81.145, Election on annexation of unincorporated territory by a city of the second-class in a county containing a city of the second and third-class; 81.150, Annexation of fifth or sixth-class city by second-class city by second-class city; 81.170, Second-class city takes over rights and liabilities of territory annexed; 81.180, Second-class city to divide annexed territory into wards — Right of electors in annexed territory; 81.190, Annexation or reduction of territory by third-class city; 81.200, Third-class city takes over rights and obligations of territory by city annexed; 81.210, Annexation or reduction of territory by fourth-class city; 81.220, Protest against annexation by fourth-class city — Trial — Judgment; 81.230, Annexation or reduction of territory by fifth-class city; 81.235, Acquisition of lands by city of fifth-clas for relocation — When — Expenditures for such purpose; 81.240, Annexation or reduction of territory by sixth-class city; 81.250, Fifth or sixth-class city takes over rights and liabilities of city annexed; 81.260, Liability of property owners in territory annexed to sixth-class city for debts of city incurred before annexation; 81.270, Resubmission of proposal for annexation or reduction by city of any class when first proposal is denied by court or defeated by voters, are repealed.

and by renumbering the remaining sections."

On the roll call the vote was yeas 49-Adams, W. Allen, Boatwright, Brown, Bruce, Burch, Burnette, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Deitz, Donnermeyer, Gay, Gray, Guentner, Guy, Haering, Head, Holloway, Hurst, Imes, Isler, Little, Mann, Marcum, Morris, O'Brien, Patrick, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Schmidt, Stewart, Stone, Trevey, Turner, Van

Horn, Weinberg, Wells, Williams, Wright. Nays 36-J. Alen, Arnold, Bendl, Bennett, Benseon, Beshear, Blandford, Blythe, Boswell, Clarke, Crradock, Dawahare, Dunn, Foster, Hancock, Hines, Holbrook, Johnson, Kenton, Kidd, List, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, Pearman, Richards, Romines, Siemens, F. Smith, Thomas, Wilborn, Yates.

Floor Amendment No. 19 to **HB 87** was adopted.

Representative Benson moved that **HB 87,** as amended, be passed.

Representative Romines moved the adoption of the following Floor Amendment No. 18 to **HB 87:**

Amend printed copy of Committee Substitute to **HB 87** on page 157, line 19, by deleting all of Section 138 in its entirety and number following sections accordingly.

Representative Van Horn moved that Floor Amendment No. 18 to **HB 87** be laid on the table.

On the roll call the vote was yeas 22-W. Allen, Bennett, Beshear, Bruce, Burnette, Crupper, Cyrus, Dawahare, Dunn, Gay, Guy, Lindsay, Mckinney, Morris, O'Brien, Plummer, Riner, Romines, F. Smith, Turner, Van Horn, Wright. Nays 49-Adams, Bendl, Benson, Blandford, Blythe, Brown, Burch, Clapp, Clarke, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Fitzgerald, Foster, Gray, Haering, Hancock, Hines, Holbrook, Imes, Johnson, Kenton, Kidd, Kleier, LeMaster, List, Mann, Marcum, May, McBee, McNutt, Nett, Noe, Pearman, Petty, Priddy, Richards, B. Richardson, Schmidt, Siemens, Stone, Thomas, Trevey, Weinberg, Wilborn, Williams, Yates.

The motion that Floor Amendment No. 18 to **HB 87** be laid on the table was rejected.

On the roll call the vote was yeas 36-W. Allen, Bennett, Blandford, Boswell, Bruce, Burnette, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Dunn, Gay, Gray, Guenthner, Haering, Holloway, Imes, Layman, Lindsay, Morris, O'Brien, Overstreet, Patrick, Pearman, Priddy, Rattliff, Riner, Romines, F. Smith, R. Smith, Stewart, Stone, Van Horn, Wright, Yates. Nays 41-Adams, J. Allen, Bendl, Benson, Beshear, Blythe, Brinkley, Burch, Clapp, Clarke, Fitzgerald, Foster, Guy, Hancock, Head, Hines, Holbrook, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, List, Mann, May, McKinney, McNutt, Nett, Petty, Plummer, Richards, B. Richardson, P. Richardson, Siemens, Thomas, Trevey, Turner, Weinberg, Wilborn, Williams.

Floor Amendment No. 18 to **HB 87** was rejected.

Representative Van Horn moved the adoption of the following Floor Amendment No. 14 to **HB 87:**

Amend printed copy of Committee Substitute for **HB 87** on 'page 12, line 13, by deleting Section 17 entirely. Move numbers of all other sections.

On the roll call the vote was yeas 28-W. Allen, Bennett, Bruce, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Dunn, Gay, Gray, Guenthner, Haering, Imes, Morris, O'Brien, Patrick, Plummer, Priddy, Riner, Robinson, Romines, F. Smith, Stewart, Trevey, Van Horn, Wright, Yates. Nays 43-J. Allen, Bendl, Benson, Blandford, Blythe, Brown, Burch, Clapp, Clarke, Craddock, DeFalaise, Donnermeyer, Fitzgerald, Foster, Guy, Hancock, Head, Hines, Holbrook, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, List, Mann, Marcum, May, McNutt, Nett, Pearman, Petty, Richards, B. Richardson, P. Richardson, Schmidt, Siemens, Stone, Thomas, Turner, Weinberg, Wilborn.

Floor Amendment No. 14 to **HB 87** was rejected.

Representative Van Horn moved the adoption of the following Floor Amendment No. 15 to **HB 87.**

Amend printed copy of Committee Substitute for **HB 87** on page 30, line 6, by deleting "twenty-five percent (25%)" insert therein "fifteen percent (15%)"

and on page 30, line 7, by deleting "presidential" and inserting therein "mayoral"

and on page 31, line 3, by deleting "thirty (30)" and inserting "one hundred eighty (180)".

On the roll call the vote was yeas 53-Adams, W. Allen, Arnold, Bennett, Boatwright, Brinkley, Bruce, Burch, Burnette, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Gray, Guenthner, Haering, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Layman, Marcum, May, McKinney, Morris, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, Riner, Romines, Siemens, F. Smith, R. Smith, Stewart, Trevey, Van Horn, Wright, Yates. Nays 30-J. Allen, Bendl, Benson, Blandford, Blythe, Boswell, Brown, Clapp, Foster, Guy, Hancock, Head, Hines, Kenton, Kidd, Kleier, LeMaster, List, Mann, McNutt, Nett, Noe, Petty, B. Richardson, P. Richardson, Thomas, Turner, Weinberg, Wilborn, Williams.

Floor Amendment No. 15 to **HB 87** was adopted.

Representative Van Horn moved the adoption of the following Floor Amendment No. 16 to **HB 87:**

Amend printed copy of Committee Substitute for **HB 87** on page 35, line 23, after "statute" add "*or ordinance adopted by the council*"

On the roll call the vote was yeas 44-W. Allen, Bennett, Boswell, Brown, Bruce, Burch, Burnette, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Gay, Gray, Guenthner, Haering, Holbrook, Holloway, Imes, Isler, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Riner, Romines, Siemens, F. Smith, Stewart, Trevey, Van Horn, Wright, Yates. Nays 32-Adams, J. Allen, Bendl, Benson, Blythe, Brinkley, Clapp, Clarke, DeFalaise, Foster, Guy, Hancock, Head, Hines, Johnson, Kenton, Kidd, Kleier, List, Mann, McNutt, Nett, Noe, Richards, B. Richardson, P. Richardson, Stone, Thomas, Turner, Weinberg, Wilborn, Williams.

Floor Amendment No. 16 to **HB 87** was adopted.

Representative Van Horn moved the adoption of the following Floor Amendment No. 20 to **HB 87:**

Amend printed copy of Committee Substitute for **HB 87** on page 139, by deleting lines 25-26

and on page 140, by deleting lines 1 through 20

On the roll call the vote was yeas 29-W. Allen, Bennett, Bruce, Burnette, Crupper, Cyrus, Dawahare, Dietz, Donnermeyer, Dunn, Gay, Gray, Guenthner, Haering, Head, Hurst, Imes, Isler, Morris, Noe, O'Brien, Patrick, Priddy, P. Richardson, Robinson, Romines, F. Smith, Van Horn, Wright. Nays 43-Adams, J. Allen, Arnold, Bendl, Benson, Blythe, Boswell, Brinkley, Clapp, Clarke, Craddock, Davenport, DeFalaise, DeMarcus, Fitzgerald, Foster, Guy, Hancock, Hines, Holbrook, Kenton, Kidd, Kleier, LeMaster, List, Marcum, McNutt, Nett, Overstreet, Pearman, Petty, Richards, B. Richardson, Schmidt, Siemens, Stewart, Thomas, Trevey, Turner, Weinberg, Wilborn, Williams, Yates.

Floor Amendment No. 20 to **HB 87** was rejected.

Representative O'Brien moved the adoption of the following Floor Amendment No. 24 to **HB 87:**

Amend printed copy of Committee Substitutefor **HB 87** on page 164, line 1, by deleting the words "with the exception of Sections 56, 94, to 98 and 138."

and on page 1, line 3, by deleting the words "Sections 94 to 98 and 138 shall"

and on page 1, by deleting 4 in its entirety

On the roll call the vote was yeas 27-W. Allen, Bennett, Bruce, Burnette, Crupper, Gay, Gray, Guenthner, Haering, Holloway, Imes, Isler, Lindsay, May, O'Brien, Patrick, Priddy, P. Richardson, Riner, Romines, F. Smith, Stewart, Trevey, Van Horn, Wells, Wright, Yates. Nays 46-Adams, J. Allen, Bendl, Benson, Blythe, Boswell, Brinkley, Burch, Clapp, Clarke, Craddock, DeFalaise, DeMarcus, Deitz, Donnermeyer, Fitzgerald, Foster, Guy, Hancock, Head, Hines, Holbrook, Kenton, Kidd, Kleier, LeMaster, List, Mann, Marcum, McBee, McNutt, Morris, Nett, Noe, Overstreet, Pearman, Petty, Plummer, Richards, B. Richardson, Siemens, R. Smith, Thomas, Turner, Wilborn, Williams.

Floor Amendment No. 24 to **HB 87** was rejected.

The Speaker Pro Tempore presiding.

Representative Beshear moved the adoption of the following Floor Amendment No. 21 to **HB 87:**

Amend printed copy of Committee Substitute for **HB 87** on page 132, after line 15 by adding the following new subsection:

"(4) No policeman or firefighter of a second or third class city or urban county government shall serve a probationary period of more than six (6) months."

On the roll call the vote was yeas 47-Adams, W. Allen, Bennett, Beshear, Brinkley, Brown, Bruce, Burch, Burnette, Crupper, Cyrus, Davenport, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Holbrook, Holloway, Imes, Isler, LeMaster, List, Mann, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Priddy, Richards, Riner, Schmidt, F. Smith, Stewart, Van Horn, Wells, Wilborn, Wright, Yates. Nays 8-J. Allen, Blythe, Hancock, Kleier, Lindsay, Pearman, Siemens, Weinberg.

Floor Amendment No. 21 to **HB 87** was adopted.

Representative Beshear moved the adoption of the following Floor Amendment No. 22 to **HB 87:**

Amend printed copy of Committee Substitute for **HB 87** on page 123, line 20, by deleting the word "less" and inserting in lieu thereof the word "nor"

and on page 123, line 21, by deleting the phrase "more than twelve (12)"

On the roll call the vote was yeas 40-Adams, W. Allen, Bennett, Beshear, Bruce, Burch, Burnette, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Foster, Gay, Gray, Guenthner, Guy, Haering, Holbrook, Holloway, Imes, Isler, Johnson, Kleier, List, Mann, May, McNutt, Morris, Nett, Noe, Overstreet, Pearman, Petty, Richards, Riner, Schmidt, Stone, Van Horn, Wilborn. Nays 10-J. Allen, Blythe, Clarke, Donnermeyer, Fitzgerald, Hancock, Head, LeMaster, Marcum, Weinberg.

Floor Amendment No. 22 to Hb 87 was adopted.

Representative Beshear moved the adoption of the following Floor Amendment No. 23 to **HB 87:**

Amend printed copy of Committee Substitute for **HB 87** on page 137, line 15, by deleting after "." the words "The person accused" and by deleting all of lines 16 and 17.

and on page 138, line 16, by deleting after "." the words "The person" and by deleting all of lines 17 and 18.

On the roll call the vote was yeas 37-Adams, J. Allen, W. Allen, Bennett, Beshear, Boatwright, Brinkley, Bruce, Burch, Burnette, Cyrus, Davenport, Dawahare, Gay, Gray, Haering, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kleier, Marcum, Morris, O'Brien, Overstreet, Priddy, Rattliff, Richards, Riner, Romines, F. Smith, Stewart, Stone, Van Horn, Wilborn. Nays 20-Benson, Blythe, Clarke, DeFalaise, DeMarcus, Dietz, Donnermeyer, Fitzgerald, Guy, Hancock, Head, LeMaster, Mann, McNutt, Nett, Petty, B. Richardson, Siemens, Thomas, Weinberg.

Floor Amendment No. 23 to **HB 87** was adopted.

Representative Gay moved that **HB 87,** as amended, be laid on the table.

On the roll call the vote was yeas 39-W. Allen, Bennett, Beshear, Boswell, Bruce, Burch, Burnette, Crupper, Cyrus, Davenport, Dawahare, Deskins, Dietz, Dunn, Gay, Gray, Guenthner, Guy, Layman, Lindsay, Little, May, McKinney, Morris, O'Brien, Overstreet, Pearman, Plummer, P. Richardson, Riner, Robinson, Romines, F. Smith, Stone, Turner, Van Horn, White, Wright, Yates. Nays 38-Adams, J. Allen, Bendl, Benson, Blythe, Brinkley, Brown, Clapp, Clarke, Craddock, DeFalaise, Donnermeyer, Foster, Haering, Hancock, Hines, Holbrook, Imes, Johnson, Kenton, Kidd, Kleier, LeMaster, List, Mann, Marcum, McNutt, Nett, Noe, Petty, Richards, B. Richardson, Schmidt, Thomas, Weinberg, Wells, Wilborn, Williams.

The motion that **HB 87,** as amended, be laid on the table was adopted.

HB 760 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 82-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Yates. Nays 1-Riner.

HB 760 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 760** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 758 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and place upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **HB 758** be passed.

On the roll call the vote was yeas 80-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Mann, Marcum, May, Maynard, McKinney, Morris, Noe, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Worthington, Wright, Yates. Nays 7-Blythe, Boatwright, Brinkley, McBee, McNutt, Pearman, Wilborn.

HB 758 was passed and the title agreed to.

Representative Kleier moved that the vote by which **HB 758** was passed be reconisered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 266, SB 335, SB 356, SB 337, SB 359, SB 263,** SB 336, **SR 45, SR 46, SR 52, SR 55, SB 340, HB 219** with Amendments, **HB 102** with Amendment, and **SB 307.**

Orders of the Day (continued)

HB 761 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Noe, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 2-Hancock, Riner.

HB 761 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 761** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HJR 38 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved the adoption of **HJR 38.**

On the roll call the vote was yeas 77-Adams, Arnold, Bendl, Bennett, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McNutt, Morris, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, R. Smith, Stone, Thomas, Trevey, Turner, Van Horn, Wells, Wilborn, Worthington, Wright, Yates. Nays 0.

HJR 38 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 38** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 45 taken from Orders of the Day and ordered read at length for the third time.

Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 78-Adams, W. Allen, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Wilborn, Worthington, Wright, Yates. Nays 3-Arnold, Holbrook, McNutt.

HCR 45 was passed and the title agreed to.

HCR 71 taken from Orders of the day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 80-Adams, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 2-Holbrook, Lindsay.

HCR 71 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 71** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 73 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dunn moved that **HCR 73** be passed.

On the roll call the vote was yeas 82-Adams, J. Allen, W. Allen, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HCR 73 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 73** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HJR 78 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative J. Allen moved the adoption of **HJR 78.**

On the roll call the vote was yeas 77-J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Isler, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Siemens, R. Smith, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 1-McNutt.

HJR 78 was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 78** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved the adoption of **HJR 78.**

HJR 86 taken from Orders of the Day and ordered read at length for third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **HJR 86.** Agreed.

Representative B. Richardson moved that **HJR 86,** as amended, be passed.

On the roll call the vote was yeas 51-Adams, J. Allen, Bendl, Bennett, Benson, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Gray, Guy, Haering, Hines, Imes, Isler, Kenton, Kleier, Lindsay, Little, Marcum, May, McBee, McKinney, Morris, Noe, O'Brien, Petty, Priddy, B. Richardson, P. Richardson, Riner, Robinson, Romines, Siemens, Stone, Turner, Weinberg, Wells, White, Wilborn, Yates. Nays 34-W. Allen, Arnold, Beshear, Blandford, Blythe, Boatwright, Clarke, Davenport, DeMarcus, Foster, Guenthner, Hancock, Head, Holbrook, Holloway, Johnson, Jones, Layman, LeMaster, List, McNutt, Overstreet, Patrick, Pearman, Plummer, Rattliff, Schmidt, F. Smith, R. Smith, Stewart, Thomas, Trevey, Van Horn, Wright.

HJR 86 was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 86** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 87 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Weinberg moved the adoption of **HCR 87.**

On the roll call the vote was yeas 78-Adams, J. Allen, W. Allen, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Marcum, May, McBee, McNutt, Morris, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HCR 87 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 87** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 331 with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved the adoption of the Committee Amendment No. 1 to **HB 331.** Agreed.

Representative Fitzgerald moved the adoption of the following Floor Amendment No. 1 to **HB 331:**

Amend printed copy of **HB 331** on page 2, by inserting after line 11 the following:

"Section 2. KRS 6.211 is amended to read as follows:
Effective January 1, *1978* [1976], in addition to any and all sums, compensation, or expenses now paid the members of the general assembly and the president of the senate, each shall receive an expense allowance of *seventy-five* [fifty] dollars *($75.00)* [($50.00)] for each calendar day. This sum shall be paid whether the general assembly is in regular or extraordinary session and shall be in full recompense of any additional expenses incurred in excess of that now received by them.

Section 3. KRS 6.213 is amended to read as follows:
(1) In addition to the per diem and all allowances provided by law to members of the general assembly of the Commonwealth of Kentucky each member of the legislature is hereby granted an expense allowance of *seven hundred fifty dollars ($750)* [five hundred fifty dollars ($550)] per month for secretarial assistance, books and periodicals, other reports or publications, conduct of small scale studies related to governmental activity, postage, telephone service, or any other expense incident to performance of the legislator's duties.

(2) The expense allowance provided for herein shall not be payable during any session of the general assembly. For sessions occurring during a part of the month, the expense allowance shall be prorated.

(3) Such expense allowances shall be paid by the state treasury out of the general fund of the Commonwealth upon warrant of the executive department for finance and administration, issued on the certification of the director of the legislative research commission.

Section 4. Whereas, the expenses borne by members of the General Assembly have increased remarkably since 1976, when the present expense allowances were established, an emergency is declared to exist, and Sections 2 and 3 of this Act shall become effective upon its passage and approval by the governor, and shall be retroactive to January 1, 1978, provided, however, that Section 1 of this Act shall become effective on the normal date for legislation enacted by the 1978 regular session of the General Assembly."

On the roll call the vote was yeas 51-J. Allen, W. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Brown, Burch, Clapp, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Guenther, Guy, Hines, Isler, Kidd, Kleier, Layman, Little, Mann, Maynard, McBee, McKinney, Noe, O'Brien, Patrick, Petty, Priddy, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Thomas, Turner, White, Williams, Yates. Nays 34-Adams, Arnold, Beshear, Boatwright, Brinkley, Bruce, Clarke, Craddock, Foster, Haering, Hancock, Head, Holbrook, Holloway, Johnson, Jones, Kenton, LeMaster, Lindsay, May, McNutt, Morris, Nett, Overstreet, Pearman, Plummer, Rattliff, Richards, Riner, Stone, Trevey, Van Horn, Weinberg, Wilborn.

Floor Amendment No. 1 to **HB 331** was adopted.

Representative Clapp moved that **HB 331,** as amended, be passed.

On the roll call the vote was yeas 58-J. Allen, W. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Brown, Burch, Clapp, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Guenthner, Guy, Head, Hines, Hurst, Imes, Isler, Kidd, Kleier, Layman, List, Little, Mann, Maynard, McBee, McKinney, Noe, O'Brien, Patrick, Petty, Priddy, P. Richardson, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Thomas, Trevey, Turner, Wells, White, Williams, Worthington, Yates. Nays 33-Adams, Arnold, Beshear, Boatwright, Boswell, Brinkley, Bruce, Clarke, Craddock, Foster, Haering, Hancock, Holbrook, Johnson, Jones, Kenton, LeMaster, Lindsay, May, McNutt, Morris, Nett, Overstreet, Pearman, Plummer, Rattliff, Richards, B. Richardson, Riner, Stone, Van Horn, Weinberg, Wilborn.

HB 331, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 331,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 331, HB 360** with Amendments, and **HB 406** with Committee Substitute.

Orders of the Day (continued)

SB 185 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 67-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Isler, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, McBee, McNutt, Morris, O'Brien, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, Riner, Robinson, Romines, Schmidt, Siemens, R. Smith, Stone, Van Horn, White, Wilborn, Wright, Yates. Nays 5-Lindsay, P. Richardson, Stewart, Trevey, Turner.

SB 185 was passed and the title agreed to.

Representative Blandford moved that the vote by which **SB 185** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 17 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardon moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved the adoption of the following Floor Amendment No. 1 to **HB 17:**

Amend printed copy of **HB 17** on page 1, line 6, by striking the word "*However,*" and inserting in lieu thereof "*Within the limitation of any appropriation therefor,*".

Agreed.

Representative Kleier moved that **HB 17,** as amended, be passed.

On the roll call the vote was yeas 68-Adams, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Haering, Hancock, Hines, Holbrook, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Lindsay, Mann, Marcum, May, McNutt, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, Wilborn, Worthington, Wright, Yates. Nays 0.

Representative Kleier moved that the vote by which **HB 17,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 332, with Committee Substitute attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute to **HB 332.** Agreed.

Representative B. Richardson moved that **HB 332,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 60-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Hancock, Hines, Holbrook, Hurst, Isler, Jones, Kenton, Kidd, List, Marcum, May, McBee, Morris, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Romines, R. Smith, Stewart, Stone, Thomas, Weinberg, White, Wilborn, Worthington, Yates. Nays 11-Blythe, Baotwright, DeFalaise, Gray, Haering, Kleier, Lindsay, Overstreet, Priddy, Riner, Van Horn.

HB 332, by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 332,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 102, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative F. Smith moved the adoption of the Committee Amendment No. 1 to **SB 102.** Agreed.

Representative F. Smith moved that **SB 102,** as amended, be passed.

Representative Deskins moved the adoption of the following Floor Amendment No. 1 to **SB 102:**

Amend printed copy of **SB 102** on page 31, after line 15, by adding the following:

"SECTION 19. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:

It shall be unlawful to buy or sell green hides, raw furs, or pelts of a read fox.

Section 20. KRS 150.990is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the commissioner thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the commission hereunder, for which no definite fine or imprisonment is fixed, shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(3) Any person who violates any of the provisions of subsection (3) of KRS 150.090, subsections (1) and (2) of KRS 150.180, KRS 150.300, KRS 150.330, subsection (2) of KRS 150.360, KRS 150.485 or KRS 150.600

shall be fined not less than twenty-five ($25.00) nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months, or both.

(4) Any person who violates any of the provisions of KRS 150.460 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned for not more than six (6) months, or both, and in addition to such penalties shall be liable to the department in an amount reasonably necessary to restock such fish or replenish such other wildlife which has been killed or destroyed.

(5) Any licensee who violates any provisions of this chapter or any regulations adopted by the commissioner thereunder shall, in addition to the penalties provided in subsections (2), (3) and (4) of this section, forfeit his license and shall not be permitted to purchase another license for the same calendar year.

(6) Any county court clerk or deputy who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(7) Any person who violates any provisions of KRS 150.390 shall be fined not less than one hundred dollars ($100), nor more than five hundred dollars ($500).

(8) Any person who violates KRS 150.525 shall be fined not less than twenty-five dollars ($25.00), nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months, or both.

(9) Any person who violates any regulation which has been or may be hereafter adopted by the commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

(10) Any person violating the provisions of subsection (1) of KRS 150.670, shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(11) Any nonresident who violates KRS 150.235, subsection (3), shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200).

(12) No fines, penalty, or judgment assessed or rendered under this chapter shall be suspended, reduced or remitted otherwise than expressly provided by law.

(13) Any person who violates any provision of KRS 150.183 shall be fined not less than one hundred dollars nor more than five hundred dollars for each violation.

(14) Any person who violates Section 19 of this Act shall be fined not less than fifty dollars ($50) nor more than two hundred dollars ($200) or imprisoned for more than thirty (30) days, or both."

On the roll call the vote was yeas 45-W. Allen, Arnold, Bennett, Blythe, Brown, Bruce, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Fitzgerald, Guenthner, Hancock, Holbrook, Holloway, Imes, Isler, Johnson, Kidd, Kleier, Layman, List, Little, Mann, Marcum, May, Morris, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Schmidt, R. Smith, Stewart, Stone, Turner, Weinberg, Wells, Wilborn, Wright, Yates. Nays 38-Adams, J. Allen, Bendl, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Burch, Carpenter, Clapp, Clarke, Donnermeyer, Dunn, Foster, Gray, Guy, Haering, Head, Hurst, Jones, McBee, McKinney, McNutt, Noe, Pearman, Richards, B. Richardson, P. Richardson, Riner, Robinson, F. Smith, Thomas, Trevey, Van Horn, Williams, Worthington.

Floor Amendment No. 1 to **SB 102** was adopted.

Representative B. Richardson moved that **SB 102,** as amended, be passed.

Representative Cyrus moved that **SB 102,** as amended, be laid on the Clerk's desk.

On the roll call the vote was yeas 61-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Burch, Clapp, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Donnermeyer, Dunn, Fitzgerald, Fsoter, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Imes, Isler, Jones, Kenton, Kleier, Layman, Lindsay, List, Mann, Marcum, McKinney, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Stewart, Stone, Turner, Van Horn, Wilborn, Williams, Yates. Nays 11- Blythe, Boatwright, Brinkley, Bruce, DeMarcus, May, McNutt, Morris, F. Smith, Trevey, Weinberg.

The motion that **SB 102,** as amended, be laid on the Clerk's desk was adopted.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

Representative Bruce requested that the be recorded as voting "nay" on Amendment No. 2 to **HB 622.**

Representative Imes requested that due to a machine malfunction, he wished to have his vote recorded as "nay" on the passage of **HB 331.**

Announcements

Representative B. Richardson moved that the rules be suspended for Introduction of Bills and Resolutions, Report of Committees and usual clerical duties. Agreed.

Introduction of Bills and Resolutions

HR 124, by Representative Hancock, P. Richardson and Crupper: A RESOLUTION urging the public service commission to reassess and modify the fuel adjustment charge.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Business Organizations and Professions: **HB 744, HB 773, HB 774, SCR 36, HCR 117.**

Judiciary Statutes: **SB 268, SB 270.**

State Government: **SCR 42, SB 329, SB 256, SB 299, SB 222.**

Education: **SB 312, SB 219.**

Banking and Insurance: **SB 229.**

Elections and Constitutional Amendments: **HCR 106, SB 350, SCR 34.**

Agriculture and Natural Resources: **HCR 116.**

Health and Welfare: **HB 764.**

The Clerk announced the following Bills have been withdrawn from Committee consideration:

Cities: **HB 81, HB 314, HB 430, HB 461.**

Report of Committees

The Committee on Judiciary-Statutes reported **SB 252,** with Committee Substitute and Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 252, AN ACT relating to organized crime.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 506 IS CREATED TO READ AS FOLLOWS:

No person, with the purpose to establish or maintain a criminal syndicate or to facilitate any of its activities, shall do any of the following:

(1) Organize or participate in organizing a criminal syndicate or any of its activities;

(2) Provide material aid to a criminal syndicate or any of its activities, whether such aid is in the form of money or other property, or credit;

(3) Manage, supervise, or direct any of the activities of a criminal syndicate, at any level of responsibility;

(4) Furnish legal accounting, or other managerial services to a criminal syndicate;

(5) Commit, or conspire or attempt to commit, or act as an accomplice in the commission of, any offense of a type in which a criminal syndicate engages on a continuing basis;

(6) Commit, or conspire or attempt to commit or act as an accomplice in the commission of, any offense of violence;

(7) Commit, or conspire or attempt to commit, or act as an accomplice in the commission of bribery in violation of KRS Chapters 518 or 521, or KRS 123.010, 123.040, 156.465, 160.991, 124.190, 61.096, 63.090, 6.080, 18.320, 244.390, 244.600 or 29.350.

(a) Whoever violates this section is guilty of engaging in organized crime, which shall be a class B felony.

(b) As used in this section "criminal syndicate" means five or more persons collaborating to promote or engage in any of the following on a continuing basis:

1. Extortion or coercion in violation of KRS 514.080, 276.280, 276.310, or 521.020;
2. Engaging in, promoting, or permitting prostitution in violation of KRS chapter 529;
3. Any theft offense as defined in KRS Chapter 514;
4. Any gambling offense as defined in KRS 411.090, KRS Chapter 528, or Section 226 of the Constitution.
5. Illegal trafficking in controlled substances as prohibited by KRS Chapter 218A, in intoxicating or spirituous liquor as defined in KRS Chapters 242 or 244, or in destructive devices or booby traps as defined in KRS Chapter 237;
6. Lending at usurious interest, and enforcing repayment by illegal means in violation of KRS Chapter 360;
7. Any offense for the purpose of gain.

(c) A criminal syndicate retains its character as such even though one or more of its members does not know the identity of one or more other members, and even though its membership changes from time to time.

The Committee Substitute to **SB 252** is as follows:

SB 252, AN ACT relating to organized crime.

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(2) Provide material aid to a criminal syndicate or any of its activities, whether such aid is in the form of money or other property, or credit;

(3) Manage, supervise, or direct any of the activities of a criminal syndicate, at any level of responsibility;

(4) Knowingly furnish legal accounting, or other managerial services to a criminal syndicate;

(5) Commit, or conspire or attempt to commit, or act as an accomplice in the commission of, any offense of a type in which a criminal syndicate engages on a continuing basis;

(6) Commit, or conspire or attempt to commit or act as an accomplice in the commission of, any offense of violence;

(7) Commit, or conspire or attempt to commit, or act as an accomplice in the commission of bribery in violation of KRS Chapters 518 or 521, or KRS 123.010, 123.040, 156.465, 160.991, 124.190, 61.096, 63.090, 6.080, 18.320, 244.390, 244.600 or 29.350.

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2. Engaging in, promoting, or permitting prostitution in violation of KRS chapter 529;
3. Any theft offense as defined in KRS Chapter 514;
4. Any gambling offense as defined in KRS 411.090, KRS Chapter 528, or Section 226 of the Constitution.
5. Illegal trafficking in controlled substances as prohibited by KRS Chapter 218A, in intoxicating or spirituous liquor as defined in KRS Chapters 242 or 244, or in destructive devices or booby traps as defined in KRS Chapter 237;
6. Lending at usurious interest, and enforcing repayment by illegal means in violation of KRS Chapter 360.

Section 2. KRS 434.445 is amended to read as follows:

(1) Any person who knowingly transfers or causes to be transferred any *sounds* [sound] recorded on a phonograph record, disc, wire, tape, film, or other article on which sounds are recorded, *with the intent to sell or cause to be sold for profit or used to promote the sale of any product, such article on which sounds are so transferred without the consent of the owner, shall be guilty of a class D felony. Each individual manufacture of such recorded article shall constitute a separate offense. "Owner", for purposes of this section, means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film or other device used for reproducing sounds on phonograph records, discs, tapes, films or other articles upon which sound is recorded, and from which the transferred recorded sounds are directly derived* [on to any other phonograph record, disc, wire, tape, film or article or who knowingly sells or distributes, offers for sale or distribution, possesses for the purpose of sale or distribution, or knowingly causes to be sold or distributed any article or device on which sounds have been transferred, without the consent of the person who owns the master phonograph record, master disc, master tape, or other device or article from which sounds are derived shall be fined not more than one thousand dollars ($1,000) or double the amount of the gain from the commission of the offense, whichever is greater, or imprisoned for not more than sixty (60) days, or both].

(2) *Any person who knowingly transfers or causes to be transferred to any phonograph record, disc, wire, tape, film or other article, any performance, whether live before an audience or transmitted by wire or through the air by radio or television, with the intent to sell or cause to be sold for profit or used to promote the sale of any product, such article onto which such performance is to be transferred without the consent of the performer, shall be fined not less than five hundred dollars ($500) nor more than three thousand dollars ($3,000) or confined in the penitentiary for not less than one (1) year nor more than five (5) years, or both. Each individual transfer or manufacture of such recorded article shall constitute a separate offense.*

(3) Any person who knowingly, or with reasonable grounds to know, advertises or offers for sale or resale, or sells or resells, distributes or possesses for such purposes any sound recording manufactured without the consent of the owner, as defined in subsection (1) of this section, or any sound recording manufactured without the consent of the performer shall be fined not more than five hundred dollars ($500), or imprisoned for not less than ninety (90) days nor more than twelve (12) months, or both. Possession of five (5) or more duplicate copies or twenty (20) or more individual copies of such recorded articles, produced without the consent of the owner, shall create a rebuttable presumption that such devices are intended for sale or distribution in violation of this section. Each sale or resale of any such article shall constitute a separate offense.

(4) Any person who knowingly sells or distributes, offers to sell or distribute, possesses for the purpose of sale or distribution any phonograph record, disc, wire, tape, film or other article on which sounds have been transferred unless such phonograph record, disc, wire, tape, film or other article bears the true name and address of the transferor of the sounds *and the name of the actual performer or group* in a prominent place on its packaging shall be fined no more than *five hundred dollars ($500)* [one thousand dollars ($1,000)]. *Each sale or distribution of any such article shall constitute a separate offense.*

(5) [(3)] This section does not apply to any person who transfers or causes to be transferred any such sounds intended for or in connection with radio or television broadcast *or cable* transmission or related uses, or for archival purposes, or solely for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

(6) [(4)] It shall be the duty of all peace officers within the commonwealth of Kentucky and the state police upon discovery to confiscate the recorded devices produced in violation of this section. Any recorded device produced in violation of this section, which has come into the custody of a peace officer, shall be forfeited and destroyed by the court having jurisdiction. A record of the place where said recorded devices were seized, the kinds and quantities of recorded devices so destroyed, and of the time, place, and manner of the destruction, shall be kept.

SECTION 3. A NEW SECTION OF KRS CHAPTER 528 IS CREATED TO READ AS FOLLOWS:

(1) No person, as a business or for any compensation, shall, directly or indirectly, accept any thing of value to be wagered or to be transmitted or delivered for wager to any pari-mutuel wagering enterprise, or participate in any such transmission.

(2) As used herein, "person" shall mean and include any individual, partnership, association, joint stock association or trust, corporation, or other business entity, whether incorporated or not.

(3) Any person violating any of the provisions of this Act shall be guilty of a class A misdemeanor.

The Committee (Title) Amendment to the Committee Substitute to **SB 252** is as follows:

Amend printed copy of **SB 252** on page 1, by deleting the Title and inserting in lieu thereof "AN ACT relating to crimes and punishments."

Announcements (continued)

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

Floor Amendment No. 2 to **HJR 79** by Representative Benson.

Floor (Title) Amendment and Floor Amendment No. 1 to **HR 105** by Representative Guenthner.

Floor Amendment No. 1 to Committee Substitute for **HB 311** by Representative Jones.

Floor Amendment No. 10 to Committee Substitute for **HB 332** by Representatives B. Richardson and Wells.

Floor Amendment No. 1 to **HB 347** by Representative Williams.

Floor Amendment No. 1 to **HB 514** by Representative Priddy.

Floor Amendment No. 1 to **HB 530** by Representative Williams.

Floor (Title) Amendment to Committee Substitute for **HB 546** by Representative Clarke.

Floor Amendment No. 5 to Committee Substitute for **HB 546** by Representative B. Richardson.

Floor Amendment No. 6 to Committee Substitute for **HB 546** by Representative Weinberg.

Floor Amendment No. 7 to Committee Substitute for **HB 546** by Representative Fitzgerald.

Floor Amendment No. 8 to Committee Substitute for **HB 546** by Representative Clarke.

Floor Amendment No. 3 to **HB 661** by Representative Beshear.

Floor Amendment No. 1 to **HB 713** by Representative LeMaster.

Floor Amendment No. 1 to **HB 726** by Representative Lindsay.

Floor Amendment No. 1 to **HB 750** by Representative Mann.

Floor (Title) Amendment and Floor Amendment No. 1 to **HB 773** by Representative Adams.

Floor Amendment No. 2 to **SB 92** by Representative B. Richardson.

Floor Amendment No. 1 to **SB 114** by Representative Tobin.

Floor Amendment No. 1 to **SB 133** by Representative Overstreet.

Floor Amendment No. 2 to **SB 102** by Representative Cyrus.

Floor Amendment No. 1 to **SB 149** by Representative Noe.

Floor Amendment No. 1 to **SB 155** by Representative Weinberg.

Floor Amendment No. 1 to **SB 184** by Representative Pearman.

Floor Amendment No. 2 to **SB 209** by Representative Lindsay.

Floor Amendment No. 3 to **SB 209** by Representative Beshear.

Floor Amendment No. 1 to **SB 224** by Representative Guenthner.

Floor Amendment No. 3 to **SB 348** by Representative B. Richardson.

The Clerk announced the filing of the Discharge Petition on **HR 43.**

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so by voice vote. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so until 2:00 p.m. on Thursday, March 9, 1978. Agreed.

Representative B. Richardson moved that no other business be conducted on this day other than Reference of Bills and Resolutions and Report of Committees. Agreed.

Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Reference of Bills and Resolutions

The clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SB 273.**

Business Organizations and Professions: **SB 255.**

Education: **SJR 39.**

Health and Welfare: **SB 346, SB 353, SCR 45.**

Appropriations and Revenue: **SB 335, SB 337, SB 359, SB 340.**

Cities: **SB 263.**

Public Utilities and Transportation: **SB 266.**

State Government: **SB 356, SB 336, SB 307, SCR 46, SCR 52, SCR 55, SB 299, SB 324.**

Report of Committees

The Committee on Rules reported **HB 659** and **HB 704** have been posted for passage in Consent Orders of Day, March 9, 1978.

The Committee on Rules reported **HB 413, HB 465, HB 468, HB 472, HB 238, HB 530, HB 650, HB 698, HB 657, HJR 79, HB 339, HB 722, HB 757, HB 644, HB 646, HB 699, HB 254, HB 533, HB 541, HJR 74, HCR 81, HJR 89, HCR 102, HCR 105, HCR 111, SB 112, SB 109, SB 72, SB 71, SB 70, SB 92, SB 232, SB 200, SB**

166, SB 158, SB 198, SB 78, SB 305, SB 287, SB 209, SB 179, SB 167, SB 163, SB 150 and **SB 113** have been posted for passage in Orders of the Day, March 9, 1978.

The Committee on Rules reported **HB 76, HB 206, HB 270, SB 178** and **SJR 17** have been recommitted to the Committee on Appropriations and Revenue.

The Committee on Rules reported **HB 520, HR 75,** and **SB 148** have been recommitted to the Committee State Government.

The Committee on Rules reported **HB 290** has been recommitted to the Committee on Judiciary-Statutes, **HB 584** has been recommitted to the Committee on Counties and Special Districts, **HB 495** have been recommitted to the Committee on Agriculture and Natural Resources, and **HB 311** has been recommitted to the Committee on Public Utilities and Transportation.

Adjournment

Representative F. Smith moved that the House adjourn until 2:00 p.m., Thursday, March 9, 1978.

The motion to adjourn was adopted by voice vote.

THURSDAY, MARCH 9, 1978

FIFTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Guy G. Goodell, Frankfort Baptist Tabernacle, Frankfort.

The roll was called. All present except Representative Tobin.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Brinkley moved that the reading of the Journal of March 8, 1978, be dispensed with and the same approved. Agreed.

Senate Message

Announcing passage of **HB 193.**

Reference of Bills and Resolutions

Banking and Insurance: **SB 331.**

Public Utilities and Transportation: **HR 124.**

Report of Committees

The Committee on Agriculture reported **SB 174, SB 175,** and **HCR 116** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 174, AN ACT relating to solid and hazardous wastes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 224.005 is amended to read as follows:

As used in this chapter unless the context clearly indicates otherwise:

(1) "Air contaminant" includes smoke, dust, soot, grime, carbon, or any other particulate matter, radioactive matter, noxious acids, fumes, gases, odor, vapor, or any combination thereof;

(2) "Air contaminant source" means any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops, and stores, and heating and power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, and other institutional buildings, automobiles, trucks, tractors, buses and other motor vehicles, garages and vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types (indoor and outdoor), refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing;

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interfere with the comfortable enjoyment of life or property;

(4) "Cesspool" means a cavity in the ground which receives human excrement and domestic wastes to be partially absorbed directly by the surrounding soil;

(5) "Commission" means the environmental quality commission;

(6) "Secretary" means the secretary of environmental protection;

(7) "Department" means the department for natural resources and environmental protection;

(8) *"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that such waste or any constituent thereof may enter the environment or be*

emitted into the air or discharged into any waters, including ground waters;

(9) "District" means an air pollution control district as provided for in KRS chapter 77;

(10) [(9)] "Effluent limitations" means any restrictions or prohibitions established under state law which includes, but is not limited to, effluent limitations, standards of performance for new sources, and toxic effluent standards on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged into waters;

(11) "Generating" means the act or process of producing wastes;

(12) [(10)] "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, copartnership, association, firm, trust, estate, or other entity whatsoever;

(13) [(11)] "Publicly owned treatment works" means any facility for the treatment of pollutants owned by the state, any political subdivision thereof, municipality, or other public entity;

(14) "Recycling" means any process by which wastes are transformed into new products, useful materials, products, or energy;

(15) [(12)] "Schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with any limitation or standard;

(16) [(13)] "Seepage pit" means a dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a septic tank;

(17) [(14)] "Septic tank" means a septic toilet, chemical closet and any other watertight enclosure used for storage and decomposition of human excrement and domestic wastes;

(18) [(15)] "Sewage system" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of liquid or waterborne sewage, industrial wastes or other wastes;

[(16) "Solid waste" means all putrescible and nonputrescible refuse in solid form. Solid waste includes but is not limited to garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes, and special wastes including explosives, pathological wastes and radioactive materials;]

(19) [(17) "Solid] "Waste disposal site or facility" means any place *where solid waste is managed, processed or disposed* [at which solid waste is disposed] of by incineration, landfilling or any other method;

(20) "Storage" means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous wastes;

(21) [(18)] "Tank" means any container when placed on a vehicle to carry in transport wastes removed from a septic tank, cesspool or seepage pit;

(22) "Transportation" means any movement of hazardous waste by any mode, and any loading, unloading, or storage incidental thereto;

(23) "Treatment" means any method, technique, or process designed to alter the physical, chemical, or biological character or composition of any pollutant or hazardous waste so as to render it less hazardous, nonhazardous, safer for transport, amenable to recycling, amenable for storage, or reduced in volume;

(24) "Waste" means:

(a) "Hazardous waste" means any waste substance or combination of substances, in any form which because of its quantity, concentration or physical, chemical or infectious characteristics may create a threat to public health or to animal, plant, and aquatic life forms, and includes but is not limited to substances which are toxic, flammable, corrosive, radioactive, irritants, strong sensitizers, or which generate pressure through decomposition, heat or other means; nothing in this chapter shall be construed to apply to any activity or substance which is subject to the federal atomic energy act of 1954 or to wastes produced by livestock;

(b) "Solid waste" means all putrescible and nonputrescible refuse in solid, semi-solid, liquid and contained gaseous form, but does not include sewage. Solid waste includes but is not limited to garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes, and special wastes including explosives, pathological and radioactive materials;

(25) [(19)] "Water" or "waters of the commonwealth" means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the commonwealth or within its jurisdiction;

(26) [(20)] "Water pollution" means the alteration of the physical, thermal, chemical, biological, or radioactive properties of the waters of the commonwealth in such a manner, condition, or quantity that will be detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural or other legitimate purposes.

Section 2. KRS 224.032 is amended to read as follows:

The department for natural resources and environmental protection shall enforce the rules and regulations adopted by the secretary of the department for natural resources and environmental protection for the regulation and control of the matters set out below and shall formulate, promote, establish and execute policies, plans and programs relating to natural resources and environmental protection, including but not limited to the following matters:

(1) The proper disposal of [garbage,] waste [and other refuse];

(2) The safe installation and operation of plumbing and plumbing fixtures;

(3) The purification of water for public and semi-public use;

(4) The proper construction and operation of public water purification plants, distribution systems and swimming pools;

(5) The review, approval or disapproval of plans for construction, modification or extension of water purification and distribution systems and swimming pools; and

(6) The certification of water and sewage plant operators.

Section 3. KRS 224.033 is amended to read as follows:

In addition to any other powers and duties vested in it by law, the department shall have the authority, power, and duty to:

(1) Exercise general supervision of the administration and enforcement of Acts 1972 (1st Ex. Sess.), ch. 3, and all rules, regulations and orders promulgated thereunder;

(2) Prepare and develop a comprehensive plan or plans related to the environment of the commonwealth;

(3) Encourage industrial, commercial, residential and community development which provides the best usage of land areas, maximizes environmental benefits and minimizes the effects of less desirable environmental conditions;

(4) Develop and conduct a comprehensive program for the management of water, land, and air resources to assure their protection and balance utilization consistent with the environmental policy of the commonwealth;

(5) Provide for the prevention, abatement, and control of all water, land, and air pollution including but not limited to that related to particulates, pesticides, gases, dust, vapors, noise, radiation, odor, nutrients, heated liquid, or other contaminants;

(6) Provide for the control and regulation of strip mining and reclamation in a manner to accomplish the purposes of KRS chapter 350;

(7) Secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise;

(8) Collect and disseminate information and conduct educational and training programs relating to the protection of the environment;

(9) Appear and participate in proceedings before any federal regulatory agency involving or affecting the purposes of the department;

(10) Enter and inspect any property or premises for the purpose of investigating either actual or suspected sources of pollution or contamination or for the purpose of ascertaining compliance or noncompliance with Acts 1972 (1st Ex. Sess.), ch. 3, or any rule or regulation which may be promulgated thereunder;

(11) Conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books and records by the issuance of subpoenas;

(12) Accept, receive, and administer grants or other funds or gifts from public and private agencies including the federal government for the purpose of carrying out any of the functions of the department. Such funds received by the department shall be deposited in the state treasury to the account of the department;

(13) Request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency when it is deemed necessary or beneficial by the department in the performance of its duties.

(14) Advise, consult, and cooperate with other agencies of the commonwealth, other states, the federal government, and interstate and interlocal agencies, and affected persons, groups and industries;

(15) Formulate guides for measuring presently unidentified environmental values and relationships so they can be given appropriate consideration along with social, economic, and technical considerations in decision making;

(16) Monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems and to warn of emergency conditions;

(17) Adopt, modify or repeal with the recommendation of the commission any standard, rule, regulation or plan specified in subsections (5) and (6) of KRS 224.045.

(18) Issue, after hearing, orders abating activities in violation of this chapter, or the provisions of Acts 1972 (1st Ex. Sess.), ch. 3, or the regulations promulgated pursuant thereto and requiring the adoption of such remedial measures as the department may deem necessary;

(19) Issue, continue in effect, revoke, modify, suspend or deny under such conditions as the department may prescribe, permits to discharge into any waters of the commonwealth, and for the installation, alteration, expansion, or operation of any sewage system; the installation, alteration, or use of any machine, equipment, device or other article that may cause or contribute to air pollution or is intended primarily to prevent or control the emission of air pollution; or the establishment or construction and the operation or maintenance of [solid] waste disposal sites and facilities; and require that applications for such permits be accompanied by plans, specifications, and such other information as the department deems necessary;

(20) May establish, by regulation, a fee or schedule of fees for the cost of processing applications for permits authorized by this chapter, and for the cost of processing applications for exemptions or partial exemptions which may include but not be limited to the administrative costs of a hearing held as a result of such exemption application, except that applicants for existing or proposed publicly owned facilities shall be exempt from any such charge;

(21) May require for persons discharging into the waters *or onto the land* of the commonwealth, by regulation, order or permit, technological levels of treatment and effluent limitations;

(22) Require, by regulation, that any person engaged in any operation regulated pursuant to this chapter install, maintain, and use at such locations and intervals as the department may prescribe any equipment, device or test and the methodologies and procedures for the use of such equipment, device or test to monitor the nature and amount of any substance emitted or discharged into the ambient air or waters *or land* of the commonwealth and to provide any information concerning such monitoring to the department in accordance with the provisions of subsection (23) of this section;

(23) Require by regulation that any person engaged in any operation regulated pursuant to this chapter file with the department reports containing information as to location, size, height, rate of emission or discharge, and composition of any substance discharged or emitted into the ambient air or into the waters *or onto the land* of the Commonwealth, and such other information as the department may require; [and]

(24) *Establish a comprehensive waste management plan in order to ensure that wastes are properly collected, stored, processed, transported, disposed, and recycled; and*

(25) [(24)] Perform such other and further acts as may be necessary to carry out the duties and responsibilities herein described.

Section 4. KRS 224.037 is amended to read as follows:

The department is hereby designated as the water pollution agency for this state and for any city, county, or district, or authority within this state for all purposes of the Water Pollution Control Act (Public Law 80-845, approved June 30, 1948), as amended; as air pollution agency for this state for all purposes of the Federal Air Quality Act (Public Law 90-148, approved November 21, 1948), as amended, and as solid waste agency for this state for all purposes of the Federal Solid Waste Disposal Act (Public Law 89-272, approved October 20, 1965), as amended, *and as management agency for solid waste and hazardous waste for purposes of the resource conservation and recovery act (Public Law 94-580, approved October 21, 1976).* The department may take all action necessary or appropriate to secure to this state and all cities, counties, districts, and authorities within this state the benefits of such federal acts.

Section 5. KRS 224.045 is amended to read as follows:

The environmental quality commission shall have the power, duty and authority to:

(1) Establish such advisory committees as may be necessary and convenient.

(2) Advise the secretary on any matter within his responsibility which it deems necessary.

(3) Advise the governor on any matter covered by the provisions of Acts 1972 (1st Ex. Sess.), ch. 3.

(4) Serve as a working public forum for the exchange of views, concerns, ideas, information, and recommendations relating to the quality of the natural environment.

(5) Recommend adoption or rejection by a majority of its membership present and voting any proposal by the department to adopt, modify or revoke:

(a) Any positions proposed to be taken by the department on behalf of the state before interstate and federal agencies or federal legislative bodies on matters relating to or affecting the quality of the environment of the state;

(b) Any rule or regulation pertaining to the procedural aspects of hearings, appeals, the filing of reports, the issuance of orders, the issuance of permits, and the application for and the granting of exemptions; or

(c) Any procedures for the financial assistance grants proposed to be given to municipal, regional, county, or state organizations for environmental purposes.

(6) Recommend adoption or rejection after public hearing by a majority of its membership present and voting any proposal by the department to adopt, modify, or revoke:

(a) Any comprehensive environment quality plan, program or policy proposed for adoption as a state plan or policy pertaining to an environmental management activity; or

(b) Any rule or regulation pertaining to the prevention, abatement, and control of existing or threatened air or water pollution, disposal of [solid] waste, control of noise, or the use of air, land, or water resources, or strip mining and reclamation.

(7) Establish an advisory committee on noise control, which shall consist of a sound engineer, an audiologist, and one representative from each of the following: transportation industry, manufacturing industry, labor, citizenry, and the general assembly. Such members shall be appointed with the approval of the secretary, who shall be an ex officio member.

Section 6. KRS 224.250 is amended to read as follows:

It is hereby declared to be the policy of this commonwealth and the purpose of this chapter to provide for the disposal of [solid] waste in a manner that will protect the public health and welfare, prevent the spread of disease and creation of nuisances, conserve our natural resources, and enhance the beauty and quality of our environment.

Section 7. KRS 224.255 is amended to read as follows:

(1) No person shall *transport to or* dispose of *hazardous* [solid] waste at any site or facility other than a site or facility for which a permit for *hazardous* [solid] waste disposal has been issued by the department. *Upon request, any transporter of hazardous waste shall receive from the department a current list of permitted hazardous waste disposal sites or facilities and shall be subsequently notified of any new permits or changes in the status of permits for hazardous waste disposal sites and facilities in the Commonwealth.*

(2) The use of open dumps is prohibited.

Section 8. KRS 224.852 is amended to read as follows:

(1) Application for a pollution control tax exemption certificate shall be filed with the department in such manner and in such form as may be prescribed by regulations issued by the department and shall contain plans and specifications of the structure or structures including all materials incorporated and to be incorporated therein and a descriptive list of all equipment acquired or to be acquired by the applicant for the purpose of air, noise, [solid] waste or water pollution control and any additional information deemed necessary by the department of revenue for the proper administration of Acts 1974, Chapter 137. If the department finds that the facility qualifies as a pollution control facility as defined in KRS 224.850(1), it shall enter a finding and issue a certificate to that effect. The effective date of said certificate shall be the date of the making of the application for such certificate.

(2) Before issuing a pollution control tax exemption certificate, the department shall give notice in writing by mail to the commissioner of revenue, and shall afford to the applicant and to the commissioner of revenue an opportunity for a hearing. On like notice and opportunity for a hearing, the department shall on its own initiative revoke such certificate whenever any of the following appears:

(a) The certificate was obtained by fraud or misrepresentation;

(b) The holder of the certificate has failed substantially to proceed with the construction, reconstruction, installation, or acquisition of the pollution control facilities;

(c) The structure or equipment or both to which the certificate relates has ceased to be used for the primary purpose of pollution control and is being used for a different purpose.

(3) Provided, however, that where the circumstances so require, the department in lieu of revoking such certificate may modify the same.

(4) On the mailing of notice of the action of the department revoking or modifying a certificate as provided in subsection (5) of this section, such certificate shall cease to be in force or shall remain in force only as modified as the case may require.

(5) A pollution control tax exemption certificate, when issued, shall be sent by certified mail to the applicant and notice of such issuance in the form of certified copies thereof shall be sent to the commissioner of revenue. Notice of an order of the department denying, revoking, or modifying a certificate in the form of certified copies thereof shall be sent by certified mail to the applicant or the holder thereof and shall be sent to the commissioner of revenue. The applicant or holder and the commissioner of revenue are deemed parties for the purpose of the review afforded by subsection (6) of this section.

(6) Any party aggrieved by the issuance, refusal to issue, revocation, or modification of a pollution control tax exemption certificate may appeal from the final ruling of the department to the Kentucky board of tax appeals as provided in KRS 131.340.

(7) In the event of the sale, lease, or other transfer of a pollution control facility, not involving a different location or use, the holder of a pollution control tax exemption certificate for such facility may transfer the certificate by written instrument to the person who, except for the transfer of the certificate, would be obligated to pay taxes on such facility. The transferee shall become the holder of the certificate and shall have all rights pertaining thereto, effective as of the date of transfer of the facility or the date of transfer of the certificate, whichever is earlier. The transferee shall give written notice of the effective date of the

transfer, together with a copy of the instrument of transfer to the Department and to the Department of Revenue.

(8) In the event a pollution control facility for which an exemption certificate is held ceases to be used for the primary purpose of pollution control or is used for a different purpose than that for which the exemption certificate was granted, the holder of the certificate shall give written notice by certified mail of such change to the department and to the department of revenue.

Section 9. KRS 224.855 is amended to read as follows:

(1) No [construction] permit shall be issued until a complete application has been submitted to the department and the applicant has published that he has made application for a *waste disposal* [landfill] site *or facility* in a manner reasonably calculated to inform that portion of the public which is most likely to be affected by the operation of the proposed *waste disposal* [landfill] site *or facility.*

(2) At a minimum, publication shall be made at least once by advertisement in a daily or weekly newspaper of general circulation in the locality where the proposed site is to be located.

(3) The contents of the public notice of an application for a *waste disposal* [landfill] site *or facility* shall include the following:

(a) The name and address of the applicant;

(b) A brief description of the activity for which a permit is being sought;

(c) A description of the proposed location;

(d) The name and address of this department; and

(e) The following statement: "Any person who may be aggrieved by the issuance of a permit for this proposed *waste disposal site or facility* [landfill] may file with the department a [verified] petition which sets forth the grounds *of the objection* [whereby he may be injured] and demand a hearing pursuant to KRS 224.081(2)." Such hearing shall be held within the county where the *solid waste disposal site or facility* [landfill] is proposed.

(4) No permit shall issue until at least thirty (30) days have expired following publication of the application. The applicant for a permit must establish the date of publication by a verified affidavit from the newspaper which publishes the advertisement. If a hearing is requested, no permit shall be issued prior to a completed hearing.

(5) No permit shall be issued by the department for a hazardous waste disposal site for long-lived wastes that may require long term or perpetual care and maintenance except with the consent and approval of a majority of the members of the Kentucky house of representatives, a majority of the members of the Kentucky senate and the approval of the governor of Kentucky.

(6) Before an application to locate such a hazardous waste disposal site in Kentucky can be submitted for approval to the Kentucky general assembly, it must first receive the approval of the secretary of the department for natural resources and environmental protection. It shall be the responsibility of the department for natural resources and environmental protection to ensure that a comprehensive environmental impact statement is submitted and that public hearings are held in the county in which it is proposed to locate such a hazardous waste disposal site.

Section 10. KRS 224.890 is amended to read as follows:

(1) The department shall promulgate regulations which establish reporting procedures and standards for the generation, storage, treatment, recycling and disposal of hazardous wastes.

(2) The department shall promulgate regulations identifying the characteristics of hazardous wastes and listing hazardous wastes.

(3) The department shall promulgate regulations establishing requirements for record-keeping concerning the origin, composition, quantity, handling, and disposition of hazardous wastes.

(4) No person shall engage in the generation, storage, treatment, recycling or disposal of hazardous wastes without first obtaining a permit from the department. Every application for a permit to generate hazardous waste shall be accompanied by a plan which shall include:

(a) A statement of the kind and chemical composition of the waste to be generated;

(b) The plan for disposal including the location of the disposal site and the method of disposal utilized at the site;

(c) The proposed method for transporting the waste for purposes of disposal including the kind of transportation to be utilized. If the name and address of the transporter is known the same shall be included, or if not known, then the plan for advising the department of such information in advance of such transportation. [Hazardous waste means any substance or combination of substances depositions of which may create a threat to public health or to animal and aquatic life forms.

(2) No person engaged in collecting, hauling and the disposal of hazardous wastes for hire on a seasonal or continuing basis shall dump at any permitted or unpermitted disposal facility after July 1, 1974 without having first obtained a permit from the department. The permit shall authorize the operator to engage in

collecting, hauling and the disposal of hazardous wastes for a period of one year from the date of its issuance.]

(5) [(3)] A person desiring a permit shall file an application *on forms supplied by the department* which shall *contain such information the department deems necessary and provide evidence that the hazardous wastes shall be treated, stored, or disposed of at an approved site or facility in the manner prescribed by the department.* [state:]

(6) In conjunction with the application for permits under (4), the applicant shall post a bond with the department in an amount determined by the department to be sufficient to insure compliance.

[(a) The business name and address and phone number of the hauler;

(b) The locations where the hauler shall dispose of hazardous wastes;

(c) The name of any person contracting with the hauler for the disposal of hazardous wastes; and

(d) The nature of the hazardous waste.]

(7) [(4)] Hazardous waste may only be disposed of at an approved site or facility.

Section 11. KRS 224.994 is amended to read as follows:

(1) Any person who violates KRS 224.060, 224.330 or who fails to perform any duties imposed by these sections, or who violates any determination or order of the department promulgated pursuant thereto shall be liable to a civil penalty not to exceed the sum of five thousand dollars ($5,000) for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section.

(2) Any person who willfully violates KRS 224.060, 224.330 or any determination or order of the department promulgated pursuant to those sections which has become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000) or by imprisonment for a term of not more than one year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(3) Any person who violates any *provision* [other provisions] of this chapter other than KRS 224.060, [and KRS] 224.330, *and 224.890* except as provided in KRS 224.992, or who fails to perform any duties imposed by those sections, or who violates any determination or order of the department promulgated pursuant thereto shall be liable to a civil penalty [of] not to exceed the sum of one thousand dollars ($1,000) for said violation and an additional civil penalty [of] not to exceed one thousand dollars ($1,000) for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section.

(4) The Franklin Circuit Court shall hold concurrent jurisdiction and venue of all civil, criminal, and injunctive actions instituted by the department or by the Attorney General on its behalf for the enforcement of the provisions of this chapter or the orders, rules, and regulations of the department promulgated pursuant thereto.

SECTION 12. A NEW SECTION OF KRS. 224.990 TO 224.997 IS CREATED TO READ AS FOLLOWS:

(1) Any person who violates any of the provisions of KRS 224.890 or who fails to perform any duties imposed by KRS 224.890 or who violates any determination or order of the department promulgated pursuant thereto shall be liable for a civil penalty not to exceed the sum of twenty-five thousand dollars ($25,000) for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section.

(2) It shall be the duty of the department's office of general counsel, or upon the secretary's request, of the attorney general, to bring an action in the name of the Commonwealth for the recovery of the penalties hereinabove provided for, and to bring an action for an injunction against any person violating or threatening to violate any provision of KRS 224.890 or violating or threatening to violate any order or determination of the department promulgated pursuant thereto. In any such action any finding of the agency shall be prima facie evidence of the fact or facts found therein.

(3) Any person who shall wilfully violate any of the provisions of KRS 224.890 or any determination or order of the department promulgated pursuant thereto shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed twenty-five thousand dollars ($25,000) for each day of violation or by imprisonment for a term not to exceed one (1) year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation. If the conviction is for a violation committed after a first conviction of such person under this section, punishment shall be by a fine not to exceed fifty thousand dollars ($50,000) for each day of violation or by imprisonment for a term not to exceed two (2) years or by both fine and imprisonment.

(4) Nothing herein contained shall abridge the right of any person to recover actual compensatory damages resulting from any such violation.

Section 13. KRS 224.870 and 224.900 are repealed.

SB 175, AN ACT relating to mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 351.010 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Approved" means a device, apparatus, equipment, machinery or practice approved by the commissioner of the department of mines and minerals;

(b) "Assistant mine foreman" means a certified person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein;

(c) "Commercial mine" means any coal or clay mine from which coal or clay is mined for sale, commercial use or exchange. This term shall in no instance be construed to include a mine where coal or clay is produced for own use;

(d) "Commissioner" means commissioner of the department of mines and minerals;

(e) "Department" means the department of mines and minerals;

(f) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by animals or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal;

(g) "Excavations and workings" includes all the excavated portions of a mine, whether abandoned or being worked, all underground workings, shafts, slopes, tunnels, ways and openings, whether completed or in the course of being sunk or driven, and all roads, appliances, machinery and material connected therewith below the surface;

(h) "Fire boss" (often referred to as mine examiner) means a person designated by management to examine a mine or part of a mine for explosive gas or other dangers before a shift crew enters;

(i) "Gassy mine" means any mine in which there is a record of methane having been ignited, or has been detected with a permissible flame safety lamp, or where methane in the amount of twenty-five hundredths percent or more has been found not less than twelve inches from the roof, face or rib, using approved methane testers or detectors or by analysis, provided, nevertheless, that on and after June 19, 1976 all mines shall be classified as gassy or gaseous;

(j) "Mine" means any open pit or any underground workings from which coal or clay is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered a separate mine;

(k) "Mine foreman" means the certified person who the operator or superintendent places in charge of the workings of the mine and of the persons employed therein;

(l) "Open-pit mine" shall include open excavations, prospect openings, and open-cut workings including auger mines for the extraction of coal or clay;

(m) "Operator" means *any owner, lessee, or other person who operates or controls* [an individual, firm or corporation operating] a coal or clay mine [or any part thereof];

(n) "Permissible" means any equipment, device, or explosive that has been approved as permissible by the United States bureau of mines or the mining enforcement and safety administration and meets all requirements, restrictions, exceptions, limitations, and conditions attached to such classification by the bureau;

(o) "Pure intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than nineteen and one-half percent oxygen nor more than one-half of one percent of carbon dioxide, nor any dangerous quantities of flammable gas nor any harmful amounts of poisonous gas or dust;

(p) "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible or pillared workings;

(q) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal or clay, for the purpose of ventilation or drainage, or for hoisting men, coal, clay or materials;

(r) "Slope" means an inclined opening used for the same purpose as a shaft;

(s) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines;

(t) "Supervisory personnel" shall mean a person or persons properly certified under the provisions of this chapter to assist in the supervision of a portion or the whole of the mine or of the persons employed therein.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal and clay mines.

(3) The definitions in KRS 352.010 apply also to this chapter, unless the context requires otherwise.

Section 2. KRS 351.090 is amended to read as follows:

(1) The governor shall appoint an adequate number of mine inspectors to insure at least two (2) inspections annually, provided the mine is in operation the entire year or the proportionate thereof, of all mines in the state and sufficient additional inspectors to enable the commissioner to provide adequate surveillance of those underground coal mines where conditions or management policy dictate that more inspections are needed to insure the safety of miners. One or more of the appointees may be designated as electrical mine inspectors. The governor shall also appoint an adequate number of inspectors of mine weights and mine safety instructors. The term of office of each mine inspector, each electrical inspector, each inspector of mine weights and each mine safety instructor shall be during the period of capable, efficient service and good behavior.

(2) All mine inspectors, electrical inspectors, mine safety instructors, and inspectors of mine weights shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, and shall possess thoroughly the knowledge required of the commissioner by KRS 351.060, and shall have a thorough and practical knowledge of mining gained by at least five (5) years' experience in coal mines, at least two (2) of which must have been in mines in this state. Senior mine inspectors shall have ten (10) years' experience in coal mines, at least two (2) of which must have been in mines in this state. *For the purposes of this subsection, a degree in mining engineering or mine technology from a recognized institution shall be deemed equivalent to two (2) years of practical experience in coal mines. Persons desiring to use their mining engineering or technology degree for two (2) years of practical experience credit shall file a certified transcript of their grades and proof of having received their degree prior to examination.*

(3) No person shall be appointed to the office of mine inspector, electrical inspector, or mine safety instructor until he has passed a satisfactory examination before the board. The commissioner may recommend to the governor applicants for mine inspector, electrical inspector, or mine safety instructor who have successfully passed the examination and are proved by worth, training and experience to be the most competent of the applicants.

(4) Mine inspectors, electrical inspectors, mine safety instructors, and inspectors of mine weights shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.

(5) No reimbursement for traveling expenses shall be made except on an itemized accounting for such expenses submitted by inspectors and safety instructors who shall verify upon oath that such expenses were incurred in the discharge of their official duties.

(6) Each mine inspector, electrical inspector, mine safety instructor, and inspector of mine weights shall take oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate, shall be filed in the office of the Secretary of State.

(7) Each mine inspector, electrical inspector, mine safety instructor, and inspector of mine weights shall give bond with surety approved by the governor.

Section 3. KRS 351.102 is amended to read as follows:

(1) No person shall be assigned to work duties by an operator as a laborer or supervisor working underground for the purpose of mining coal unless the person holds a valid certificate of competency and qualification or a valid permit as trainee issued in accordance with this section.

(2) A permit as trainee miner shall be issued by the commissioner to any person who has completed a program of education and training of a minimum of forty (40) hours or who is enrolled in a certified mine technology program. This education and training program shall be determined and established by the board of miner training, education and certification, as provided in KRS 351.105.

(3) Trainee miners shall work within the sight and sound of a certified miner.

(4) Any miner holding a certificate of competency and qualification may have one (1) person working with him and under his direction as a trainee miner. Any person certified as a mine foreman, assistant mine foreman, or fire boss may have no more than five (5) persons working with him and under his supervision or direction as trainee miners for the purpose of learning and being instructed in the duties of underground coal mining.

(5) A certificate of competency and qualification as an underground miner shall be issued by the commissioner to any person who has in total a minimum of ninety (90) working days' experience as a trainee miner and demonstrated competence as a miner by the successful completion of an examination given by the commissioner or his representative in a manner and place to be determined by the board of miner training, education and certification.

(6) All examinations for the certification of a miner shall be of a practical nature and shall determine the competency and qualification of the applicant to engage in the mining of coal with reasonable safety to himself and his fellow employees. The examination may be given orally if the miner is unable to read or comprehend a written examination.

(7) Examinations shall be held in the district where the applicant resides or is to be employed after such public notice and at such time as the commissioner finds necessary to enable all applicants for certificates to have an opportunity to qualify for certification.

(8) Notice of the time and place of the examination for the certification of miners shall be given to management at the mine, to the miners or their representatives at the mine, and notice shall be posted at the places in the vicinity of the mine where notices to employees are posted.

(9) If the commissioner or his representative finds that an applicant is not qualified and competent, he shall so notify the applicant not more than ten (10) days after the date of examination.

(10) Any applicant aggrieved by an action of the commissioner in failing or refusing to issue a certificate of qualification and competency may, within ten (10) days of notice of the action complained of, appeal to the commissioner who shall within ten (10) days of the appeal give the applicant a hearing and either affirm the action or issue the certificate to the applicant.

(11) In the event the applicant is still aggrieved by the action of the commissioner, he may appeal to the board which shall hold a hearing on the matter within thirty (30) days. The applicant may be represented by counsel, produce evidence and witnesses on his behalf, and examine such evidence and documents as may be produced against him. The board may also be represented by counsel. The board shall not be bound by the technical rules of evidence, but the order of the board shall be based upon competent evidence. The board's order shall be in writing and shall be accompanied by findings of fact and conclusions of law. A copy of the order shall be served upon the applicant by personal service, by certified mail, return receipt requested, or by registered mail immediately upon entry by the board.

(12) The applicant may appeal from the order of the board by filing in the circuit court in the judicial circuit in which he resides a petition for appeal and a copy of the order of the board within thirty (30) days of the date of entry of the order. The petition for appeal shall set forth with particularity the grounds upon which the appeal is taken. The applicant shall cause a copy of the petition for appeal to be served upon the chairman of the board.

[(13) Within thirty (30) days after service of the notice of appeal, the board shall file in the circuit court a certified copy of the entire record of its proceedings under review. The circuit court shall set the case for hearing without a jury and dispose of the appeal de novo. Any aggrieved party may secure a review of any adverse judgment in the circuit court by appeal to the court of appeals.]

Section 4. KRS 351.105 is amended to read as follows:

(1) There is hereby created the board of miner training, education and certification.

(2) The board shall be made up of six (6) persons, two (2) of whom shall be from the underground coal industry in the eastern Kentucky coalfield and two (2) of whom shall be from the underground coal industry in the western Kentucky coalfield. Each of the two (2) coalfields shall be represented by one (1) person representing the miners and one (1) person representing the mine operators. The governor in making his appointments shall balance the membership of the board so as to reflect as nearly as possible the composition of the industry as regards the size of operations and the representation of the miners. The commissioner of the department shall serve as chairman. The sixth member of the board shall be the director of the division of miner training, education and certification of the department, who shall be a nonvoting member. The board shall recommend to the governor a candidate for the position of director of the division.

(3) Members of the board shall be appointed by the governor within three (3) months of December 22, 1976.

(4) Excluding the commissioner and the director of the division of miner training, education and certification, one (1) member of the board shall be appointed initially for a period of one (1) year; one (1) member for a period of two (2) years; one (1) member for a period of three (3) years; and one (1) member for a period of four (4) years. After the initial appointments, members shall be appointed to a full four (4)-year term. Members of the board may be reappointed at the expiration of their previous appointment at the pleasure of the governor. Members shall continue to serve until a successor is appointed and qualified.

(5) As soon as practicable after the members of the board have been appointed, the commissioner shall call an organizational meeting to implement the provisions of this section.

(6) Persons appointed to the board to represent the miners shall be employed in non-supervisory positions at mines in this state and shall have a minimum of five (5) years' underground experience in the industry and a mine foreman's certificate. Persons representing the mine operators shall be employed by coal companies operating in the state and shall have a minimum of five (5) years' experience in safety or training in the coal mining industry and a mine foreman's certificate. The director shall have a minimum of five (5) years' practical underground mining experience.

(7) Whenever a vacancy on the board occurs, appointments shall be made in the manner prescribed in this section. The vacancy shall be filled by the governor within thirty (30) days from the date the vacancy occurs.

(8) A quorum of the board shall be three (3) voting members; the board may act officially by a majority of those members who are present except that no action shall be taken without at least three (3) affirmative votes. When necessary for the commissioner to be absent, he is empowered to name an alternate to serve as chairman.

(9) Each miner-member and operator-member of the board shall receive one hundred dollars ($100) per diem while actually engaged in the performance of the work of the board and shall receive mileage at the rate provided by the state's travel regulation for each mile actually traveled from the home of the member to the place of the meeting and returning therefrom, which shall be paid out of the state treasury upon proper requisition approved by the commissioner.

(10) The commissioner shall keep and maintain records of board meetings and activities of the board, as well as current records on all certified persons which shall be maintained by computer for ready access.

(11) The board shall establish criteria and standards for a program of education and training to be required of prospective miners of underground coal mines, miners of underground coal mines, and of all certified persons. Such education and training shall be provided in a manner determined by the commissioner to be adequate to meet the standards established by the board, which shall include as a minimum the requirements of KRS 351.102, the requirements of the federal government for the training of miners for new work assignments, but in no case less than twenty (20) hours training for new work assignments, and at least eight (8) hours of annual retraining and reeducation for all certified persons.

(12) Beginning with the first full calendar year after the effective date established by the board in accordance with KRS 351.104 and during each calendar year thereafter, each certified miner shall receive at least eight (8) hours of retraining and reeducation.

(13) Each underground coal mine operator shall annually certify to the department the dates on which the annual retraining and reeducation sessions were conducted and the names and corresponding social security numbers of those persons receiving the retraining and reeducation.

(14) Retraining and reeducation sessions shall be conducted at such times and in such numbers as to reasonably assure each certified miner an opportunity to attend.

(15) Willful failure of a certified miner to *complete an annual retraining and reeducation program approved by the board* [attend at least eight (8) hours of annual retraining and reeducation] shall constitute grounds for revocation, suspension, or probation of the certificate.

(16) Operators shall pay all certified persons their regular wages and benefits while receiving the annual retraining and reeducation and the training for new work assignments.

(17) Prior to issuing standards, the board shall conduct public hearings after allowing at least thirty (30) days' public notice at which the parties who may be affected by the board's actions may be heard.

(18) The board may conduct hearings, *compel the attendance of witnesses* and *conduct* oversight activities as may be required to ensure the full implementation of its programs and standards.

(19) The board may, upon its own motion or whenever requested to do so by the commissioner, deem applicable certificates issued by other states to be proof of training and education equal to the requirements of KRS 351.102 or deem training provided by appropriate federal agencies to be adequate to meet training and education requirements set by the board, provided that the training and education meet the minimum requirements of this chapter.

Section 5. KRS 351.110 is amended to read as follows:

(1) The board of miner training, education, and certification shall not admit any applicant for mine inspector, electrical inspector, mine safety instructor, mine foreman, assistant mine foreman, or fire boss to take an examination given by it *unless the applicant has the experience required by this chapter, and* until the applicant has presented to the examiner at the time of registration for the examination a U. S. postal money order or certified check in the amount of twenty-five (25) dollars. The money order shall be made payable to the State Treasurer, Frankfort, Kentucky.

(2) All money paid to the state treasurer for licenses and fees required by this chapter shall be for the sole use of the department and shall be in addition to any monies appropriated by the general assembly for the use of the department.

(3) The board may refuse to examine any applicant who cannot readily understand the written English language or cannot express himself intelligently in English, or who is obviously intoxicated.

Section 6. KRS 351.120 is amended to read as follows:

(1) The commissioner shall issue a certificate to each person who possesses the qualifications required by law for mine inspector, electrical inspector, mine safety instructor, assistant mine foreman, mine foreman, fire boss, shotfirer and other mining specialties as established by the board, or miner who has passed the examination given by direction of the board for that position.

(2) The certificate shall be in such form as the commissioner prescribes, shall be signed by the commissioner, and shall show that the holder has passed the required examination and possesses the qualifications required by law for mine inspector, electrical inspector, mine safety instructor, assistant mine foreman, mine foreman, fire boss, shotfirer and other mining specialties as established by the board, or miner and is authorized to act as such.

(3) Certificates issued to mine foremen, assistant mine foremen, and fire bosses shall be classified as follows:

(a) Mine foreman certificates, authorizing the holder to act as foreman for all classes of coal or clay mines;

(b) Assistant mine foreman certificates, authorizing the holder to act as assistant foreman. Upon the completion of five years' mining experience evidenced by acceptable affidavits, the holder may apply to the board for a mine foreman's certificate;

(c) Fire boss certificates, authorizing the holder to act as fire boss or mine examiner in any mine.

(4) Any mine foreman or assistant mine foreman may act as fire boss or mine examiner, and any regularly employed fire boss may act in an emergency as a mine foreman or assistant mine foreman. This shall not apply to persons holding a second class mine foreman certificate issued before June 16, 1972.

(5) The class of mine foreman's certificate awarded shall be determined by the board according to the experience of the applicant.

(6) No certificate shall be granted to any person who does not present to the board satisfactory evidence, in the form of affidavits made by well known and responsible persons in the locality from which he came, that the applicant is a man of sobriety and good moral character, and that he has had the required practical experience in underground coal or clay mines, or to any person who is not either a bona fide resident of this state or employed at an underground mine in this state. A data sheet must be filed by each applicant showing places of employment, beginning month and year and ending month and year employed by each company and list jobs performed, showing at least the number of required years. Affidavit and data sheet forms will be furnished by the department. *For the purpose of this subsection, persons holding a four-year degree in mining engineering from a recognized institution shall be credited with the equivalent of two (2) years of practical experience in coal mines when applying for mine foreman and assistant mine foreman certificates. Persons holding an associate degree in mining from a recognized institution shall be credited with the equivalent of two (2) years experience when applying for a mine foreman certificate and one (1) year when applying for an assistant mine foreman certificate. Persons desiring to use their mining engineering or mining technology degree as credit for practical experience toward a mine foreman or assistant mine foreman certificate shall file a certified transcript of their grades and proof of having received their degree prior to the examination.* [A degree in mining engineering from a recognized institution of learning may be taken as the equivalent of two (2) years of mining experience. Persons desiring to use their mining engineering degree for two (2) years' experience credit toward either the assistant mine foreman or mine foreman certificate shall file a certified transcript of their grades and proof of having received their degree prior to the examination.] A minimum of five (5) years' *practical* underground experience is required of applicants for mine foreman certificates and a minimum of three (3) years' *practical* underground experience is required of applicants for assistant mine foremen and fire boss certificates.

(7) Persons possessing certificates of qualifications to act as mine inspector, mine foreman, assistant mine foreman or fire boss prior to June 16, 1972, are not affected by this section.

(8) When approved by the commissioner, any person holding a mine foreman's certificate issued by any other state may act in the capacity of mine foreman in any mine in this state until the next regular mine foreman's examination held by the department, but not to exceed a maximum of ninety days.

(9) A member of the supervisory personnel shall be present at the working section except in cases of emergencies at all times employes under his supervision are at the working section on coal producing shifts.

Section 7. KRS 351.140 is amended to read as follows:

Each mine inspector shall give his entire time and attention to the duties of his office, which shall consist of the following:

(1) Inspecting mines and aiding under the direction of the commissioner in carrying out and enforcing the provisions of the law relating to the inspection of mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the commissioner is not present, and assisting in such work in other districts when so directed by the commissioner;

(5) Reopening mines or portions of mines that have been sealed on account of fire or any other cause, when directed by the commissioner to do so;

(6) Inspecting each mine in his district at least once every six (6) months, or more often if practicable and if funds permit, and whenever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, roof control, blasting, electricity, escapeways, and general security, and also a personal examination of the outside facilities of the mine; and in those gassy mines below the water table, inspections shall be more frequent, and as often as practical whenever any danger to workmen is indicated by a previous inspection. Such inspections shall involve at least two inspectors. The inspectors shall locate themselves in different sections of the mine in order to determine the effectiveness and reliability of the ventilation system. Each section of the mine shall be so inspected; [and]

(7) It shall be permissible for a mine inspector to inspect any coal preparation plant or surface facility of any mining operation of coal and clay; *and* [.]

(8) A mine inspector shall have the express authority to enter upon the premises of and inspect any coal or clay mine at any reasonable time.

Section 8. KRS 351.175 is amended to read as follows:

(1) Within forty-five (45) days after January 1, 1953, and of each year thereafter, the owner, operator, or lessee of each mine shall procure from the department a license to operate such a mine, and such license shall not be transferable. Any owner, operator, or lessee who assumes control of a mine, opens a new mine or reopens an abandoned mine during any calendar year shall procure such license before mining operations are begun.

(2) The license shall be in such printed form as the commissioner may prescribe and when issued shall be kept posted at a conspicuous place near the main entrance of the mine.

(3) Requests for such license shall be made to the department and such requests shall be accompanied by a U.S. postal money order or cashier's check drawn in favor of the state treasurer in a reasonable amount established by regulations promulgated by the commissioner of a minimum of one hundred dollars ($100) and a maximum of one thousand dollars ($1,000). When the annual report of the operator and the annual mine map, as required by KRS 351.170 and 352.450, together with a certification from the commissioner of labor that the applicant for license has presented positive proof of compliance with the provisions of KRS chapter 342, are properly submitted to the department, the license shall be issued. The commissioner or his accredited agents shall have the authority to extend the time for filing of the map not to exceed an additional forty-five (45) days. Upon receipt of withdrawal of the certification of the commissioner of labor the department shall forthwith revoke any license hereunder issued. Revocation of said license shall be an administrative function of the department. Appeal of said administrative function shall lie in the Fayette Circuit Court.

(4) Any [owner,] operator [or lessee operating a mine and] who fails to obtain his license as required by this section shall be guilty of a *Class A* misdemeanor *as defined in KRS 532.090*, and shall be subject to a fine of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) at the discretion of the court. Each day the mine is operated without a license constitutes a separate offense. *Venue* [Jurisdiction] for such offenses shall lie in the [circuit court of the] county in which the offense occurred.

(5) The mine inspector shall have the authority to stop production at the mine of any operator who fails to procure a license or fails to furnish a certification of compensation coverage as required under this section.

(6) Any operator operating a mine with knowledge that the mine has been placed under a valid closure order pursuant to this section shall be guilty of a Class D felony, as defined in KRS 532.060, and shall be subject to a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000). Jurisdiction shall lie in the circuit court of the county in which the offense occurred.

(7) The department shall be authorized to seek injunctive relief for any violation of this section.

(8) The application for a license shall be accompanied by a transportation plan which shall set forth the portions of the state primary road system, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of KRS 189.271 to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the bureau of vehicle regulation attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the state primary road system and the accuracy of the specifications of weight limits on such highways and bridges.

Section 9. KRS 352.010 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Abandoned workings" means excavations, either caved or sealed, that are deserted and in which further mining is not intended, or open workings which are ventilated and not inspected regularly;

(b) "Active workings" means all places in a mine that are ventilated and inspected regularly;

(c) "Approved" means a device, apparatus, equipment, machinery or practice approved by the commissioner of the department of mines and minerals;

(d) "Approved safety lamp" means any bonneted lamp that bears the approval plate of the federal bureau of mines or the mining enforcement and safety administration and is approved by the department of mines and minerals of this state;

(e) "Assistant mine foreman" means a certified person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein;

(f) "Board" means the board of miner training, education and certification;

(g) "Commercial mine" means any coal or clay mine from which coal or clay is mined for sale, commercial use or exchange. This term shall in no instance be construed to include a mine where coal or clay is produced for own use;

(h) [(g)] "Commissioner" means commissioner of the department of mines and minerals;

(i) [(h)] "Department" means the department of mines and minerals;

(j) [(i)] "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by animals or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal;

(k) [(j)] "Excavations and workings" includes all the excavated portions of a mine, whether abandoned or being worked, all underground workings, shafts, slopes, tunnels, ways and openings, whether completed or in the course of being sunk or driven, and all roads, appliances, machinery and material connected therewith below the surface;

(l) [(k)] "Face equipment" means mobile or portable mining machinery having electric motors or accessory equipment normally installed or operated inby the last open crosscut in any entry or room;

(m) [(l)] "Fire boss" (often referred to as mine examiner) means a person designated by management to examine a mine or part of a mine for explosive gas or other dangers before a shift crew enters;

(n) [(m)] "Gassy mine" means any mine in which there is a record of methane having been ignited, or has been detected with a permissible flame safety lamp, or where methane in the amount of twenty-five hundredths percent or more has been found not less than twelve inches from the roof, face or rib, using approved methane testers or detectors or by analysis, provided, nevertheless, that on and after June 19, 1976, all mines shall be classified as gassy or gaseous;

(o) [(n)] "High voltage" means any voltage greater than one thousand volts;

(p) [(o)] "Imminent danger" means the existence of any condition or practice which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(q) [(p)] "Inactive workings" shall include all portions of a mine in which operations have been suspended for an indefinite period, but have not been abandoned;

(r) [(q)] "Low voltage" means up to and including six hundred sixty volts;

(s) [(r)] "Medium voltage" means voltages from six hundred sixty to one thousand volts;

(t) [(s)] "Mine" means any open pit or any underground workings from which coal or clay is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered a separate mine;

(u) [(t)] "Mine foreman" means the certified person who the operator or superintendent places in charge of the workings of the mine and of persons employed therein;

(v) [(u)] "Open-pit mine" shall include open excavations, prospect openings and open-cut workings including auger mines for the extraction of coal or clay;

(w) [(v)] "Operator" means *any owner, lessee, or other person who operates or controls* [an individual, firm or corporation operating] a coal or clay mine [or any part thereof];

(x) [(w)] "Permissible" means any equipment, device, or explosive that has been approved as permissible by the United States bureau of mines or the mining enforcement and safety administration and meets all requirements, restrictions, exceptions, limitations, and conditions attached to such classification by the bureau;

(y) [(x)] "Punch mining" means workings that are driven directly into the seam without cross entries;

(z) [(y)] "Pure intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than nineteen and one-half percent oxygen nor more than one-half of one percent of carbon dioxide, nor any dangerous quantities of flammable gas nor any harmful amounts of poisonous gas or dust;

(aa) [(z)] "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible or pillared workings;

(bb) [(aa)] "Shaft" means a vertical opening through the strata that is or may be used, in connection

with the mining of coal or clay, for the purpose of ventilation or drainage, or for hoisting men, coal, clay or materials;

(cc) [(bb)] "Slope" means an inclined opening used for the same purpose as a shaft;

(dd) [(cc)] "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines;

(ee) [(dd)] "Supervisory personnel" shall mean a person or persons properly certified under the provisions of KRS Chapter 351 to assist in the supervision of a portion or the whole of the mine or of the person employed therein;

(ff) [(ee)] "Tipple or dumping point" means the tipple or structure where coal or clay is dumped or unloaded from the mine car into railroad cars, trucks, wagons or other means of conveyance;

(gg) [(ff)] "Working face" means any place in a coal or clay mine in which work of extracting coal or clay from its natural deposit in the earth is performed during the mining cycle;

(hh) [(gg)] "Working place" means the area of a coal or clay mine inby the last open crosscut;

(ii) [(hh)] "Working section" means all areas of a coal or clay mine from the loading point to and including the working faces.

(2) The definitions in KRS 351.010 apply also to this chapter, unless the context requires otherwise.

(3) Except as the context otherwise requires, this chapter applies only to commercial mines as defined in KRS 351.010.

Section 10. KRS 352.320 is amended to read as follows:

(1) *All commercial coal or clay mines* [Where five (5) or more persons are employed in a commercial mine in a period of twenty-four hours, the operator] shall employ a certified mine foreman therein to properly carry out the plans and rules when approved by the commissioner of the department and to *be responsible for compliance with the provisions of KRS Chapters 351 and 352* [see that the mining law is complied with].

(2) When the mine workings become so extensive that the mine foreman is unable personally to carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons holding suitable certificates of qualifications to act as assistants to the mine foreman, and under his instructions.

Section 11. KRS 352.390 is amended to read as follows:

The board shall revoke, suspend, or probate certificates if it is established in the judgment of the board that the holder has become unworthy to hold the certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, wilful failure to comply with the mining laws, or for other just cause. *The board shall be authorized to compel the attendance of witnesses by subpoena and administer oaths for any purposes under this section.* The certificate holder against whom charges are made may appear before the board and defend against the charges, and shall have thirty (30) days' notice in writing of the charges previous to the hearing. The same procedure provided in subsections (11) *and* [,] (12) [, and (13)] of KRS 351.102 shall apply to the certificate holder.

Section 12. KRS 352.430 is amended to read as follows:

(1) The operator or superintendent of every mine shall furnish the mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) If any inspector discovers that any mine does not conform to the provisions of KRS Chapters 351 and 352 in respect to appliances for the safety of employes, or that by reason of any defect or practice not specifically covered by these chapters in or about the mine the lives or health of persons employed therein are endangered, he shall immediately notify the operator or superintendent thereof orally and in writing, stating the particulars in which he considers the mine to be defective or dangerous, and if he deems it necessary for the immediate protection *from imminent danger of bodily harm* [of the lives and health] of the persons employed in the mine he shall withdraw the men *who may be endangered* [from the mine]. *If the entire mine is affected by the dangerous condition, all men shall be withdrawn and production shall be halted until all defects causing the imminently dangerous condition are corrected. If an imminent danger affects only a portion of the mine, the persons whose safety may be menaced thereby shall be withdrawn from the affected part of the mine and production halted in that area until the dangerous condition is corrected. Provided, however, that where production is necessary to correct the unsafe condition, it shall be permitted to that extent, using only the necessary personnel. Production at the affected area of a mine from which men are withdrawn pursuant to this section may be resumed upon reinspection by a mine inspector and a finding by that inspector that the mine is no longer imminently unsafe.* The operator or superintendent shall have the right to appeal to the commissioner from *any order issued under this section* [the closing of the mine].

(3) The owner or operator of any mine *where production has been halted* [so closed] may by petition apply to the circuit court of the county where the mine is located for an order directing *production to be resumed* [the mine to be reopened], and the court shall immediately hear and determine the matters arising

upon the petition. If, upon full hearing thereof, the court finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted.

(4) Notice of the hearing shall be given to the mine inspector and the commissioner at least three days before the hearing, and in all such hearings the attorney-general, the commonwealth's attorney or the county attorney of the judicial circuit or county in which the mine is situated shall appear for the state and defend the action.

HR 116, A RESOLUTION directing the Legislative Research Commission to study the feasibility of establishing a hunter safety certification program.

WHEREAS, each year hunters in the Commonwealth are involved in tragic accidents; and

WHEREAS, many hunting accidents might be avoided if hunters used proper safety precautions; and

WHEREAS, the unsafe hunter is a danger to others as well as himself; and

WHEREAS, the Commonwealth has no means of insuring that licensed hunters are aware of gun safety procedures;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to study the feasibility of establishing a hunter safety certification program which would require those under the age of sixteen and those seeking hunting licenses for the first time in the state to demonstrate adequate knowledge of hunter safety precautions.

Section 2. The results of the study and any recommendations shall be reportedto the appropriate interim joint committee not later than December 31, 1978.

Section 3. Staff services to be utilized in completing this study are estimated to cost $8,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

The Committee on Appropriations and Revenue reported **SB 107** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on Appropriations and Revenue reported **SB 134, SB 223,** SB 332, and **SJR 19** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 134, AN ACT relating to the center for energy research.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 152.340 is amended to read as follows:

(1) Whenever in the estimation of the administrator the purposes of KRS 152.310 to 152.390 would be furthered through the use of patented processes or equipment, the administrator is authorized to enter into such agreements as he deems necessary for the acquisition or use of such patents on reasonable terms and conditions.

(2) The administrator is authorized to acquire by condemnation, purchase, *options to purchase,* lease, or otherwise such real property as may be necessary to enable him to carry out his duties under KRS 152.310 to 152.390.

(3) The administrator may accept funds that are donated or otherwise made available to him, and spend them in the program established by KRS 152.310 to 152.390.

Section 2. KRS 152.755 is amended to read as follows:

The administrator of the Kentucky center for energy research, with the approval of the governor, may execute contracts to design, construct, or operate development or demonstration projects, subject to the approval of the board. To such end, the administrator may execute such agreements up to a maximum of *fifty-five* million dollars *($55,000,000)* [($50,000,000)] for the period July 1, 1974 to *December 30, 1985* [January 1, 1979]. Funds required under such agreement shall be deemed a necessary governmental expense and paid by the state treasurer upon approval of the executive department for finance and administration. A copy of each agreement executed shall be filed with the legislative research commission.

Section 3. KRS 152.765 is amended to read as follows:

Any proceeds realized from contracts executed, except where revenue bonds are issued, shall be deposited to the "Fund" created herein, up to the fifty-*five* million dollars *($55,000,000)* [($50,000,000)] authorized and any excess shall accrue to the general expenditure fund. Any balance in the fund upon expiration of all contracts shall revert to the general expenditure fund.

SB 223, AN ACT relating to juvenile detention centers and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 208.130 is amended to read as follows:

(1) The fiscal court of each county shall provide for a suitable facility or facilities for the custody and care of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.

(2) In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution.

(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

(4) The department may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. The detention facilities may be subject to the supervision of the department, and shall conform to rules and regulations prescribed by the department.

(5) Each [detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained and each] child detained in such facility shall be deemed to be under the jurisdiction of the *juvenile* court *before which his case is pending.*

(6) The fiscal court of any county may arrange with the department for the use of its regional reception-diagnostic centers for those cases pending before the juvenile court of its county. The fiscal court is authorized to make such payments as agreed upon with the department for the use of the services and facilities. The use of the department's regional reception-diagnostic centers by the individual juvenile courts shall not give such juvenile courts jurisdiction over the department's regional reception-diagnostic centers.

(7) The fiscal court of any county other than a county containing a city of the first or second class may request in writing that the department operate, maintain and control any secure detention facility for juveniles presently located in the county for which it is responsible. Within ninety (90) days of the receipt of such request the department may take control of and operate and maintain such facility if it meets standards prescribed by the department. If the department's budget permits and the department does operate, maintain and control such facility, it may accept appropriate children for placement in the facility who may be before the court in counties other than the county in which the facility is located.

(8) Upon the department's agreement to accept control of a secure detention facility for juveniles as prescribed in subsection (7) of this section, the department shall continue to operate the facility unless or until by mutual agreement the control, operation and maintenance of the facility is returned to the fiscal court.

(9) Upon the department's agreement to accept control of a secure detention facility for juveniles as prescribed in subsection (7) of this section, the detention facility and the physical property upon which the facility is located may be transferred to the Commonwealth of Kentucky by deed or by lease as agreeable to the department.

Section 2. To carry out the provisions of this Act, there is appropriated to the department for human resources the sum of $245,606 for the fiscal year of 1978-79 and the sum of $258,869 for the fiscal year of 1979-80.

SB 332, AN ACT relating to school taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.597 is amended to read as follows:

Any school tax authorized by KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648 may be recalled as follows:

(1) The order or resolution levying any of the school taxes designated heretofore in this section shall go into effect not less than thirty (30) days nor more than ninety (90) days after its passage. If during the thirty

(30) days immediately following the passage of the order or resolution a petition signed by a number of registered and qualified voters equal to fifteen per cent (15%), *except in counties containing a city of the first class, equal to five percent (5%),* of the votes cast in the school district or combined taxing district levying the tax for the office receiving the greatest total vote at the last preceding presidential election is presented to the *county board of elections requesting that the order or resolution of such tax be placed on the ballot for voter approval* [school board protesting against passage of the order or resolution], the order or resolution shall be suspended from going into effect for that district until after the election provided for in subsection (2) of this section. *The person presenting the petition shall be given a receipt indicating the date of presentation.* Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, number or designation of the district or ward wherein the precinct is situated. Each voter shall sign his name in the same manner as he signed the current registration form described in KRS 116.153 or subsection (2) of KRS 116.045, as the case may be. If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it. One or more persons shall verify by affidavit the signatures and addresses of the signers of the petition. *The county board of elections shall make the determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution, and immediately thereafter shall notify the school board that the petition has been received and that the order or resolution levying such tax will be placed on the ballot for voter approval at the next general election. The board of elections shall certify to the school board within thirty (30) days of receipt of the petition that the petition is properly presented and in compliance with the provisions of this Act. If the board of elections finds the petition to be invalid, it shall state in writing the deficiency of said petition. Written notification that the petition has been declared invalid and the deficiencies thereof shall be sent by registered mail to the person to whom a receipt was given by the board of elections, and shall be published at least one time in a newspaper of general circulation within the county containing the school district levying the tax, or if there be no such newspaper, shall be posted at the courthouse door. If good cause is shown, the board of elections shall permit the petitioners to correct the deficiencies either by securing additional valid signatures or by circulating a new petition, such petition to be submitted to the board within thirty (30) days from the date of the written notification of the deficiencies.* [The board or boards of registration in the county shall provide necessary and appropriate aid to the school board or boards so that the latter may make the determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.]

(2) Thereupon, if it has been determined that the petition contains enough valid signatures to suspend the effect of the order or resolution, the county board of elections shall submit to the voters of the school district in which a valid recall petition has been filed pursuant to subsection (1) of this section at the next regular November election the question as to whether the tax shall be levied. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast in a district or combined taxing district upon the question oppose its passage, the order or resolution shall not go into effect in that district or combined taxing district. If a majority of the votes cast in a district or combined taxing district upon the question favor its passage, the order or resolution shall go into effect in that district. In the event that the election is to be held in more than one (1) school district within a county the votes shall be counted separately.

(3) If any statute in existence on the effective date of this Act is found to be in conflict with any provision of this Act, the provisions of this Act shall prevail.

SJR 19, A JOINT RESOLUTION to establish a special study commission to survey and define the needs of diabetic patients in the Commonwealth of Kentucky and making an appropriation therefor.

WHEREAS, diabetes mellitus is estimated to afflict at least 5% of the total population of the United States; and

WHEREAS, although exact figures on the prevalence of diabetes in the Commonwealth of Kentucky are not available, estimates indicate that the prevalence of diabetes in Kentucky may be higher than the national average; and

WHEREAS, diabetes mellitus is believed to be the third leading cause of death; and

WHEREAS, diabetes mellitus is the leading cause of blindness, kidney failure, neurological disease and amputations in America and would be expected to have a similar impact in Kentucky; and

WHEREAS, the estimated incidence of heart attacks among diabetes is 2.3 times higher than for the population as a whole in America and the estimated incidence of strokes is 1.5 times higher; and

WHEREAS, diabetes mellitus in its various forms affects Americans of all ages, ranging from infants to aged persons;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a special study commission is hereby created for a period of two years to survey the dimensions of problems of diabetics in Kentucky, and ascertain and define their needs.

Section 2. That the Governor appoint the members of the Commission as follows: The Director of Preventive Services, Bureau for Health Services, Department for Human Resources, who shall serve as chairman of the commission; two diabetologists from the University of Kentucky and two diabetologists from the University of Louisville, such selections to be made from lists submitted to the Governor by the deans of the respective medical schools; two representatives from the Kentucky Diabetes Association to be selected from a list submitted by the association and two health professionals interested in diabetes, one from the eastern portion of the state, the other from the western portion, such persons to be selected from a list prepared by the Director of Preventive Services.

Section 3. Members of the commission shall receive no salary but shall be reimbursed for their ordinary and necessary expenses incurred in performance of their duties.

Section 4. The commission shall meet at least quarterly and shall report at least annually to the Interim Joint Committee on Health and Welfare, and shall report its findings and recommendations to the 1980 Regular Session of the General Assembly.

Section 5. In order to effectuate the purposes of this resolution, thirty thousand dollars ($30,000) is hereby appropriated from the General Expenditure Fund of the State Treasury for the fiscal year 1978-1979 and thirty thousand dollars ($30,000) for the fiscal year 1979-1980.

The Committee on Cities reported **HB 734** and **SB 261** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 734, AN ACT relating to police and firemen pension systems in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 95.870 is amended to read as follows:

(1) Subject to the foregoing provisions, there shall be held on the first Wednesday after the first Tuesday of September of each year an election among the active members for trustee of the fund.

(2) On or before August 10 preceding, nominations for candidates in the election shall be filed with the chief of the police department and the chief of the fire department. The nominations shall be in writing and shall be signed by not less than twenty-five per cent (25%) of the members. Within five (5) days after the close of nominations, the chiefs of the respective departments shall certify in writing to all districts and bureaus of the departments the names of those placed in nomination.

(3) On the first Wednesday after the first Tuesday in September beginning at the hour of 12 noon on Wednesday and continuing thereafter for a forty-eight (48) hour period, an election shall be held under the supervision of the commanding officers of the districts and bureaus. Each member shall vote at the district or bureau of which he is a member, except those members who are not assigned to a specific district or bureau, who shall vote at the office of the chief of police or chief of the fire department, as the case may be. At the close of voting, the commanding officer of each district or bureau, shall in the presence of the nominees or their duly authorized agents, open the ballot box and count the votes. He shall then make a certificate of the count and send the certificate with the ballots in a sealed envelope to the mayor, who shall, on the following Wednesday, open all the certificates so received and after counting all the returns, certify the results to the board. On the third Wednesday after the first Tuesday in September the candidate or candidates receiving the most votes shall assume office.

(4) Voting shall be either in person or by absentee ballot. Absentee voting shall be restricted to those members who are unable to vote in person, and shall be conducted according to such regulations as the departments may agree upon.

SB 261, AN ACT relating to fire fighters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 17.210 is amended to read as follows:

In enacting a fire department aid law it is the intention of the general assembly to supplement local efforts to prevent the loss of lives and property by fire. The inadequacy of present facilities, the high cost of acquisition and maintenance of modern firefighting equipment and the need for better trained *fire fighters* [firemen] are hereby declared to be matters of public interest and concern and vital to the promotion of the health, safety, prosperity and security of the inhabitants of the commonwealth.

Section 2. KRS 17.250 is amended to read as follows:

The commissioner of insurance shall allot on an annual basis the funds appropriated for fire department aid in the amounts not to exceed $2,000 to the fire departments in cities of all classes, fire prevention districts organized pursuant to KRS chapter 75, county districts established under authority of KRS 67.320, and all other organized fire departments recognized by the commissioner of insurance as fire departments operated and maintained on a nonprofit basis in the interest of the health, safety, prosperity and security of the inhabitants of the commonwealth. He shall prescribe regulations and standards for determining the amounts to be granted. Such standards shall be based on the number of [firemen,] both paid *fire fighters* and volunteer *firemen,* the amount of equipment, housing facilities available and such other matters or standards as will best effect the purposes of the fire department aid law. No allotment shall exceed the total value of the funds, equipment, lands and buildings made available to the local fire units from any source whatever for the year in which the allotment is made. A portion of the funds provided for above may be used to purchase group or blanket health insurance and the remaining funds shall be distributed as set forth in this section.

Section 3. KRS 17.260 is amended to read as follows:

Funds allotted by the commissioner shall be expended by direction of the governing body of the city or district only for the maintenance of fire departments, the purchase, maintenance and repair of fire apparatus and equipment including buildings housing such fire departments. Cities of the fifth and sixth class, or fire prevention districts with population not exceeding three thousand (3,000) may expend allotted funds for acquisition of lands or buildings, and for expenses of *fire fighters* [firemen] in attending schools and conventions not exceeding an amount prescribed by regulation.

Section 4. KRS 61.315 is amended to read as follows:

(1) As used in this section, "police officer" means every full-time police officer, sheriff, or deputy sheriff, who works not less than forty hours per week, elected to office or employed by any county or city or by the state; "fire fighter" means every full-time *fire fighter* [fireman] who works not less than forty hours per week, employed by any county or city or by the state.

(2) The spouse of any police officer, sheriff, or deputy sheriff or firefighter whose death occurs as a direct result of an act in the line of duty shall receive a lump sum payment of five thousand dollars, which sum shall be paid by the state treasurer from the general expenditure fund of the state treasury. If there is no surviving spouse, the payment shall be made to the surviving children.

(3) The benefits payable under this section are in addition to any benefits now or hereafter prescribed under any police, sheriff or *fire fighter's* [firemen's] retirement or benefit fund established by the state, county, or any municipality.

Section 5. KRS 67.323 is amended to read as follows:

(1) Any county may, by order of its fiscal court, duly made and entered of record, create a county fire department merit system, and for that purpose establish a county fire department merit board, whose duties it shall be to classify and examine applicants seeking employment as *fire fighters* [firemen] or employes of the fire department of the said county, and, in addition, to promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action within the said county fire department of all personnel of the county fire department or departments affected as provided in this section and KRS 67.325 and 78.425, and, in addition thereto, to hold such hearings, public and executive, and impose such penalties upon the personnel affected as provided in this section, KRS 67.325 and 78.425.

(2) Fiscal courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said board.

(3) KRS 78.410 to 78.460 and 78.990 shall be followed in the establishing of a county fire department merit system as provided in this section. All terms referring to the county police force, by context or definition, shall be taken to mean county fire department. Other terms mean:

(a) "Board" means the county fire department merit board created by subsection (1).

(b) "Chief" means the chief of the county fire department affected by this section, KRS 67.325 and 78.425.

(c) "Assistant chief" means the next in command to the chief of the county fire department affected by this section, KRS 67.325 and 78.425.

(d) "Secretary" means the executive secretary and examiner employed by the county fire department merit board created by this section, KRS 67.325 and 78.425.

(e) "Officer" means any member of the county fire department affected by this section, KRS 67.325 and 78.425.

(f) "Employe" means all other employes of the county fire department affected by this section, KRS 67.325 and 78.425.

(4) This section applies to counties containing a city of the second class which have not established county police merit systems as provided by KRS 78.400 to 78.460 and 78.990.

Section 6. KRS 67A.360 is amended to read as follows:

Words and phrases, wherever used in KRS 67A.360 to 67A.690, unless a different meaning is clearly indicated by the context, shall have the following meanings:

(1) "Fund" shall mean the "Policemen's and *Fire fighter's* [Firemen's] Retirement Fund of the .... Urban-County Government";

(2) "Government" shall mean the governmental unit of any urban-county government in the Commonwealth of Kentucky, including the governmental unit of any former urban-county government which changes its form of government, class or other status;

(3) "Department" shall mean the police department or the fire department of a government;

(4) "Board" shall mean the board of trustees provided in KRS 67A.360 to 67A.690 as the agency responsible for the direction and operation of the affairs and business of the fund. The board shall hold title to all assets of the fund;

(5) "Member" shall mean any member of the police or fire department who is included in the membership of the fund;

(6) "Service" shall mean actual employment in a department of a government, or a city existing within the boundaries of the government immediately prior to the establishment of an urban-county government, for salary or compensation, or service otherwise creditable as herein provided;

(7) "Prior service" shall mean service rendered prior to the date of establishment of the fund or the fund of a city existing within the boundaries of the government immediately prior to the establishment of an urban-county government;

(8) "Membership service" shall mean service rendered on or after the date of establishment of the fund or the fund of a city existing within the boundaries of the government immediately prior to the establishment of an urban-county government;

(9) "Total service" shall mean prior service, membership service, and military service;

(10) "Regular interest" shall mean such rate of interest as shall be fixed by the board, provided that for the first five (5) years of operation of the fund the rate shall be not less than three percent (3%) per annum, compounded annually;

(11) "Occupational disability" shall mean disability due to occupational causes, including but not limited to injury or disease. The presumption of contracting disease "while on active duty as a result of strain or the inhalation of noxious fumes, poisons or gases" created by KRS 79.080 shall be a presumption of "occupational disability" hereunder;

(12) "Occupational death" shall mean death due to occupational causes, including but not limited to injury or disease;

(13) "Average salary" shall mean the highest average annual salary of the member for any three (3) consecutive years of service within the total service of the member;

(14) The masculine pronoun, wherever used, shall include the feminine pronoun; and widow shall include widower;

(15) The fiscal year of the fund shall date from July 1 of any year to June 30 of the next year following;

(16) "Total disability" shall mean a disability which substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely;

(17) "Minor child" includes, as applicable, a child under the age of twenty-three (23) still engaged in full-time education; and

(18) "Mayor", "director of finance", "director of personnel" shall mean the persons holding the office or job most closely resembling the ordinary meaning of such terms, in the event that a government does not have an office so described.

Section 7. KRS 67A.370 is amended to read as follows:

There is hereby established in urban-county governments, a retirement and benefit fund for members of the police and fire departments, their dependents and beneficiaries. The fund shall be known as the "Policemen's and *Fire fighter's* [Firemen's] Retirement Fund of the .... Urban-County Government". In such name all of its business shall be transacted, all of its moneys invested and all of its accumulated reserves consisting of cash, securities, and other property shall be held.

Section 8. KRS 69.470 is amended to read as follows:

The city solicitor in cities of the second class shall, if requested, advise the board of trustees of the police and *fire fighter's* [firemen's] pension fund in all matters pertaining to its duties and the management of the fund. He shall represent and defend the board in all actions that may be brought against it, and bring all actions in its behalf that may be required by the board.

Section 9. KRS 69.540 is amended to read as follows:

The city attorney in cities of the third class shall, if requested, advise the board of trustees of the police and *fire fighter's* [firemen's] pension fund in all matters pertaining to its duties and the management of the fund. He shall represent and defend the board in all actions that may be brought against it, and bring all actions in its behalf that may be required by the board.

Section 10. KRS 69.575 is amended to read as follows:

It shall be the duty of the city attorney in cities of the fourth class to give advice to the board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund in all matters pertaining to their duties and management of said fund whenever requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board.

Section 11. KRS 75.060 is amended to read as follows:

All municipal *fire fighters* [firemen], fire protection district *fire fighters* [firemen], and volunteer fire department firemen, full-paid or volunteer, attending and serving at fires or doing fire prevention work outside the corporate limits of a municipality, fire protection district, or volunteer fire department district as provided in KRS 75.050, or area normally served by a volunteer fire department, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of their own municipality, fire protection district, or area normally served by a volunteer fire department, but full-paid *fire fighters* [firemen] shall receive no additional compensation and volunteer firemen shall receive only such compensation as may be provided for by ordinance or resolution in such cases, and all such *full-paid fire fighters and volunteer* firemen shall be entitled to all benefits of any pension fund, in the same manner as if the firefighting or fire prevention work had been within the corporate limits of the municipality, or area normally served by a volunteer fire department.

Section 12. KRS 75.100 is amended to read as follows:

As used in KRS 75.100 to 75.260, unless the context requires otherwise:

(1) "Chairman" means the chairman of the board of trustees of a fire protection district organized under the provisions of KRS 75.010 to 75.080, or the chairman of the governing board of a volunteer fire department.

(2) "Fire protection district" means fire districts organized under KRS chapter 75.

(3) "Board" means the board of trustees of a fire protection district organized under KRS chapter 75 and the governing board of a volunteer fire department.

(4) "Fire department" means the officers, *fire fighters* [firemen] and clerical or maintenance employes, including the chief and assistant chief of the department.

(5) "Chief" means the chief of the fire department of a fire protection department organized under KRS chapter 75 and of a volunteer fire department.

(6) "Employes" means all persons employed by the board of trustees of a fire protection district organized under KRS chapter 75 and of a volunteer fire department.

(7) "Member" shall include the chief and all officers and employes of a fire department, a fire protection district or of a volunteer fire department.

(8) "Salary" means any compensation received for services.

(9) "Suspension" means the separation of an employe from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.

(10) "Dismissal" means the discharge of an employe by lawful authority.

(11) "Trustees" means the board of trustees of a fire protection district and of a volunteer fire department.

Section 13. KRS 75.110 is amended to read as follows:

(1) The chairman may, if in his discretion there is a case of need, appoint special *fire fighters* [firemen] to do special duties at any place within the limits of the fire protection district, on terms he deems proper.

(2) These special *fire fighters* [firemen] shall be governed by such rules as the board may provide, and be given the powers the board may provide, including the powers enumerated in KRS 75.160 in the discretion of the board; if rules are not provided they shall be deemed to have the powers and duties of regular *fire fighters* [firemen].

Section 14. KRS 86.160 is amended to read as follows:

(1) The city council may, within the city:

(a) Provide for the prevention and extinguishment of fires;

(b) Establish and regulate fire companies, and provide for or elect *fire fighters* [firemen], prescribe their duties and fix their compensation;

(c) Regulate the storage of all explosives and combustible material;

(d) Appoint some suitable person or persons, at reasonable times, to enter and examine such houses as the council designates in order to ascertain whether any such house is in a dangerous condition with respect to fires, and to cause all dangerous conditions to be corrected;

(e) Regulate or restrain the erection of wooden buildings, and provide for their removal when erected contrary to ordinance;

(f) Require that all new buildings be approved as to their safety by a designated officer or agency of the city, in addition to being approved by the council;

(g) Provide for the condemnation and removal of unsafe walls.

(2) No person shall erect a building without the permission of the city council.

Section 15. KRS 89.580 is amended to read as follows:

(1) The board of commissioners may upon the written advice of the city manager, create by ordinance such administrative departments as in the judgment of the board are reasonably required for the efficient, orderly and economical administration of the business affairs of the city. It may at any time create new departments, combine or abolish existing departments, or establish temporary departments. It may also prescribe by ordinance the functions of each department and subject to the provisions of KRS 95.430 to 95.690 and 90.300 to 90.420 and such civil service regulations as may be deemed necessary for the efficient and nonpolitical handling of city affairs, provide for the appointment and removal of a director and the employes of each department.

(2) This section does not apply to the police and fire departments of a city of the second class, and organization under the city manager form of government shall not affect the laws relating to policemen's and *fire fighter's* [firemen's] pension funds in cities of the second class.

Section 16. KRS 90.150 is amended to read as follows:

(1) The classified service covered by KRS 90.110 to 90.230, and hereby placed under the jurisdiction of the board, includes all offices, positions, and places of employment, except as herein provided, in the following departments and agencies in the service of the city, to wit: The department of public safety, the department of public health, the department of public welfare, and the civil service board. If any of such offices, positions or places of employment are transferred to or combined or consolidated with any other department or agency of or serving the city, the offices, positions or places of employment shall continue to be covered by KRS 90.110 to 90.230. The classified service also includes all other offices and positions and places of employment in other departments or agencies of the city or serving the city to which the classified service may be hereafter extended pursuant to the provisions of KRS 90.210, or any other law.

(2) The following offices, positions, and places of employment, in the departments and agencies hereinabove specifically named, are excluded from the classified service, to wit:

(a) The director of safety and the following positions in that department, to wit: the director of safety's staff, including, but not limited to assistants and his private secretary, the chief of police, assistant chief of police, chief of detectives, chief of *fire fighters* [firemen], assistant chief of *fire fighters* [firemen]; superintendent and animal catchers, and caretakers, in the division of city pound; supervising inspector of weights and measures, and inspector of weights and measures, and deputy inspector, in the division of weights and measures.

(b) The director of health and the following positions in that department, to wit: Private secretary, kitchen helpers, cleaners, waitresses, housemaids, janitresses, laundresses, hospital resident medical staff, university visiting staff, student nurses, bona fide university students.

(c) The director of welfare and the following positions in that department, to wit: Private secretary, janitors, cleaners, laundresses, night watchman, truck drivers, kitchen helpers, janitresses, park laborers, bona fide university students.

(d) Members of the civil service board and the personnel director.

(3) The offices, positions, and places of employment excluded by paragraphs (a), (b), (c) and (d) of subsection (2) from the classified service may be placed in the classified service, in accordance with the provisions of KRS 90.210, except that the offices or positions of director of safety including his staff, chief of police, assistant chief of police, chief of detectives, chief of *fire fighters* [firemen], assistant chief of *fire fighters* [firemen], director of health, director of welfare, and members of the civil service board shall not be placed in the classified service.

(4) Any classified employe in the department of safety, who accepts an appointment and qualifies as chief of police, assistant chief of police, chief of detectives, chief of *fire fighters* [firemen], or assistant chief of *fire fighters* [firemen], shall be deemed to have received a leave of absence from the classified service for and during the incumbency of any of those respective positions. Should any chief or assistant chief, or chief of detectives, cease to serve as such, there shall be restored to him the same classification and rank which he held prior to his appointment.

Section 17. KRS 90.220 is amended to read as follows:

(1) Persons holding positions in the classified service shall not be discriminated against in any way because of their political or religious opinions or affiliations or because of their exercise of their right to vote as they please.

(2) No person in the classified service, and neither the personnel director nor any member of the board, nor the chief of police, assistant chief of police, chief of *fire fighters* [firemen], or assistant chief of *fire fighters* [firemen], shall, directly or indirectly, give, solicit, receive, or remit, any assessment, subscription, or contribution, to or for any political party or any candidate for public office, or in any manner be concerned therewith; nor shall any such person be a member of any campaign committee or governing committee of any political organization nor an officer in either; nor shall any such person be an election officer or work at the polls on election day, or participate in the purgation or registration of voters, provided, however, nothing herein shall prevent any such person from freely expressing his or her views as a citizen or from casting his or her vote in any election.

(3) Any such person who shall violate this section shall be summarily dismissed from the service by the appointing authority (or if a member of the board, by the mayor), and may not be employed in any service of the city, classified or unclassified, for a period of one (1) year next thereafter; Provided however, That should the appointing authority fail or refuse to so dismiss, the board (except when a member thereof is charged with violation of this section) shall conduct a hearing, which the accused person may attend with counsel; if the board find the accused guilty of violation of this section, the board shall dismiss such violator, with the consequent disqualification. Such action of the board is final.

Section 18. KRS 95.010 is amended to read as follows:

(1) As used in KRS 95.150 to 95.290 and in KRS 95.786 to 95.885, unless the context requires otherwise:

(a) "Dismissal" means the discharge of an employe by the division or department head, civil service board, or other lawful authority.

(b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions.

(c) "Fire department" means the officers, *fire fighters* [firemen] and clerical or maintenance employes, including the chief of the fire department.

(d) "Member" means any person in the police or fire department, other than the chief or assistant chief of the department.

(e) "Police department" means the officers, policemen and clerical or maintenance employes, including the chief of police.

(f) "Police force" means the officers and policemen of the police department, other than the chief of police.

(g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employe.

(h) "Salary" means any compensation received for services.

(i) "Suspension" means the separation of an employe from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.

(2) As used in KRS 95.430 to 95.690, the following words and terms shall have the following meaning, unless the context requires otherwise:

(a) "Dismissal" means the discharge of an employe by the division or department head, civil service board, or other lawful authority.

(b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions.

(c) "Fire department" means and includes all officers, *fire fighters* [firemen], and clerical or maintenance employes of the fire department.

(d) "Police department" means and includes all officers, policemen, and clerical or maintenance employes of the police department.

(e) "Member" means any and all officers, *fire fighters* [firemen], policemen, clerical or maintenance employes in the police or fire department, except that as used in subsections (1) and (3) of KRS 95.440, and KRS 95.450, 95.460, 95.470, 95.550, 95.560, 95.565, 95.570 and 95.580 it shall not include the chief of police in a city of the second class operating under the commission form of government or in an urban-county government.

(f) "Police force" means and includes all officers and policemen in the police department.

(g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employe.

(h) *"Fire fighter"* ["Fireman"] means a member of the fire department below the rank of officer, other than a clerical or maintenance employe.

(i) "Salary" means any compensation received for services.

(j) "Suspension" means the separation of an employe from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.

(k) "Pension fund" shall mean the moneys derived from the members of the police and fire departments' salary or salaries and appropriations by the legislative body, or any other means derived from whatever source by gift or otherwise to be used for the retirement of members of the police and fire departments after the prescribed number of years of service, and for the benefit of disabled members of police and fire departments, and for the benefit of surviving spouses and dependent children or dependent fathers or mothers in the case of death of any member of the police or fire department within the scope of his employment.

(3) As used in KRS 95.761 to 95.785 the following words and terms shall have the following meaning:

(a) "Regular police department." For the purpose of KRS 95.761 to 95.785, a "regular police department" is defined as one (1) having a fixed headquarters, where police equipment is maintained and where a policeman or policemen are in constant and uninterrupted attendance to receive and answer police calls, and execute regular police patrol duties.

(b) "Regular fire department." For the purpose of KRS 95.761 to 95.785, a "regular fire department" is defined as one (1) having a fixed headquarters where firefighting apparatus and equipment is maintained, and where *fire fighters* [a fireman or firemen] are in constant and uninterrupted attendance to receive and answer fire alarms.

(c) "Legislative body." Wherever in KRS 95.761 to 95.785 the term "body" or "legislative body" is employed, it shall be construed to mean the legislative branch of the city government or urban-county government.

(d) "Commission." The word "commission" shall mean the board of civil service commissioners, as established under the terms of KRS 95.761 to 95.785.

(e) "Trustees." The word "trustees" shall mean the board of pension fund trustees, as established under the terms of KRS 95.761 to 95.785.

(f) "Pension fund." The term "pension fund" shall mean the moneys derived from the policeman or policemen and *fire fighter* [fireman] or *fire fighter's* [firemen's] salary or salaries, and appropriations by the legislative body, or any other sums derived from whatever source by gifts or otherwise to be used for the retirement of policeman or policemen and *fire fighter* [fireman] or *fire fighters* [firemen] after the prescribed number of years of service and for the benefit of disabled policeman or policemen and *fire fighter* [fireman] or *fire fighters* [firemen], and for the benefit of surviving spouses and dependent children or dependent fathers or mothers in the case of death of a policeman or *fire fighter* [fireman] within the scope of his employment, according to the terms of KRS 95.761 to 95.785.

Section 19. KRS 95.290 is amended to read as follows:

(1) The city legislative body in cities of the first class may enact ordinances providing for a system of pensions for retired and disabled members of the police and fire divisions of the department of public safety and their dependents, may appropriate funds for the purpose of paying such pensions, may allot and pay to the policemen's pension fund or the *fire fighter's* [firemen's] pension fund or either or both of them, all fines and forfeitures imposed upon members of the respective divisions, and may provide for, assess and collect contributions from the members for the benefit of the fund.

(2) Any pension fund established under the provisions of this section shall be held and distributed for the purpose of paying pensions and for no other purpose, except that the governing board of the fund may annually expend for the necessary expenses connected with the fund, including but not limited to expenses for medical, actuarial, accounting and legal services, the amount such governing board deems proper.

(3) Any ordinance establishing a pension fund under this section shall make equitable provision for the rights of persons having an interest in assets transferred to the fund from any fund heretofore established by statute.

Section 20. KRS 95.430 is amended to read as follows:

(1) In cities of the second and third classes and urban-county governments the legislative body shall control the police and fire departments and the property and equipment of the departments.

(2) The legislative body may ordain and enforce rules for the government of the departments as it may deem expedient, prescribe the qualifications and duties of the members of each department, and grade the officers of each department.

(3) The legislative body may appoint a chief of police and all policemen, and a chief of the fire department and all subordinates.

(4) The number of *fire fighters* [firemen], policemen, detectives and officers of the police and fire departments shall be such as the legislative body may ordain.

(5) The legislative body shall, by ordinance, fix the salaries of the members of the police and fire departments, provide for their payment, and for the payment of other expenses of the departments.

Section 21. KRS 95.435 is amended to read as follows:

(1) The police department in cities of the second class, and urban-county government shall take charge of property, within their jurisdiction, alleged to be or suspected of being the proceeds of crime, property taken from the person of a prisoner, lost or abandoned property taken into the custody of any member of the police force or criminal court, and property taken from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves. The officer or court having custody of such property shall as soon as practicable deliver it into the custody of the police department.

(2) All such property shall be particularly described and registered by the police department in a book kept for that purpose, containing the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the property, the names of all claimants thereto, and any final disposition of the property. The police department shall advertise the property pursuant to KRS chapter 424 for the information of the public as to the amount and disposition of the property.

(3) If any property in the custody of the police department is desired as evidence in any criminal court, such property shall be delivered to any officer who presents an order to that effect from the court. Such property shall not be retained in the court, but shall be returned to the police department.

(4) All property that remains in the custody of the police department for three (3) months, without any lawful claimant thereto, may be sold at public auction in a suitable room designated for that purpose, after having been advertised pursuant to KRS chapter 424. The proceeds of such sales shall be paid into the police and *fire fighter's* [firemen's] pension fund of said city or urban-county government.

Section 22. KRS 95.440 is amended to read as follows:

(1) The legislative body in cities of the second and third classes and urban-county governments shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications for office, including their knowledge of the English language and the law and rules governing the duties of the position applied for.

(2) Each member of the police or fire department in cities of the second and third classes and urban-county governments shall be a qualified voter in the county containing the city of employment, able to read, write and understand the English language, and have such other qualifications as may be prescribed. No person shall be appointed a member of the police or fire department unless he is a person of sobriety and integrity and is and has been an orderly, law-abiding citizen. In a city of the second class or urban-county government no person shall be appointed a member of either of such departments if he is over fifty (50) years of age.

(3) Members of the police and fire departments in cities of the second and third classes or urban-county governments qualified under this section shall hold their positions during good behavior, except that the legislative body may decrease the number of policemen or *fire fighters* [firemen] as it may deem proper.

(4) If the legislative body of a city of the second or third class or urban-county government decreases the number of policemen or *fire fighters* [firemen], the youngest members in point of service shall be the first to be released and returned to the eligible list of the department, there to advance according to the rules of the department.

Section 23. KRS 95.520 is amended to read as follows:

(1) There shall be in cities of the third class a policemen's and *fire fighter's* [firemen's] pension fund, and a board of trustees for that fund unless the policemen and *fire fighters* [firemen] are included in the membership of the county employes' retirement system.

(2) The board of trustees is the trustee of the pension fund, and has exclusive control and management of the pension fund and of all moneys donated or paid for the relief or pensioning of members of the police and fire departments. It may do all things necessary to protect the fund.

Section 24. KRS 95.530 is amended to read as follows:

In cities of the third class the board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund is composed of the mayor, city treasurer, chief of the police department, chief of the fire department and one (1) member each from the police and fire departments. The members from the police and fire departments shall be elected by the respective members of those departments annually by ballot, one (1) from each department, and shall serve for one (1) year and until their respective successors are elected and qualified. The board shall select from their number a president and a secretary.

Section 25. KRS 95.550 is amended to read as follows:

(1) The pensions or benefits paid for disability or death from the policemen's and *fire fighter's* [firemen's] pension fund in cities of the third class shall be as follows:

(a) If any member of the police or fire department becomes temporarily totally disabled, physically or mentally, while in the performance of duty and by reason of service in the department, the board of trustees of the pension fund shall order paid to him monthly, during his disability but not longer than one (1) year, a sum of not more than sixty dollars ($60.00) per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period: Provided, however, That the provisions of this paragraph shall not apply unless the disabled *fire fighter* [fireman] or policeman has served from one (1) day to ten (10) years consecutively in his department, such period of service to be fixed by the board of trustees.

(b) If any member of the police or fire department becomes permanently disabled, physically or mentally, while in the performance of duty and by reason of service in the department, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty per cent (50%) of his monthly salary at the time of his retirement. Provided, however, That the provisions of this paragraph shall not apply unless the disabled *fire fighter* [fireman] or policeman has served from one (1) day to ten (10) years consecutively in his department, such period of service to be fixed by the board.

(c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after fifteen (15) consecutive years of service in the department, and leaves a widow, widower or a child under eighteen (18) years of age the board of trustees shall order a pension paid to the widow or widower, or child. There shall be paid monthly to the widow or widower, while unmarried, a pension of not less than thirty dollars ($30.00), or not more than fifty percent of the deceased's monthly salary at the time of retirement or death and for each child until it reaches the age of eighteen (18) years, not less than six dollars ($6.00) or not more than ten percent of the deceased's monthly salary, such amount to be determined by the board of trustees. If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of not less than thirty dollars ($30.00) or not more than twenty percent of the deceased monthly salary. If one (1) parent is dead, the other shall receive the entire amount and if both are living, each shall receive one-half the amount, such amount to be determined by the board of trustees.

(2) No person shall receive a pension from the policemen's and *fire fighter's* [firemen's] pension fund except as provided in this section.

Section 26. KRS 95.580 is amended to read as follows:

(1) The policemen's and *fire fighter's* [firemen's] pension fund in cities of the third class shall consist of:

(a) The proceeds of an annual tax, which may be levied by the city legislative body, of not less than one cent (1¢) nor more than four cents (4¢) on each one hundred dollars ($100) in value of taxable property.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(c) Assessments, which the board of trustees of the pension fund may make, upon each member of the police and fire departments, of not less than one per cent (1%) nor more than four per cent (4%) of his salary, to be withheld from the monthly salary and paid by the city treasurer into the pension fund.

(2) Both the principal and interest of the pension fund shall be applicable to the payment of pensions in cities of the third class.

Section 27. KRS 95.620 is amended to read as follows:

(1) Except as provided in subsections (2), (3) and (4) of this section, the policemen's and *fire fighter's* [firemen's] pension fund in cities of the third or fourth class shall be held and distributed for the purpose of paying pensions and benefits, and for no other purpose.

(2) The board of trustees of the pension fund may refund a member's contributions upon that member's withdrawal from service prior to qualifying for pension. The member shall be entitled to receive a refund of the amount of contributions made by the member after the date of establishment, without interest.

(3) Any member receiving a refund of contributions shall thereby ipso facto forfeit, waive, and relinquish all accrued rights and benefits in the system, including all credited and creditable service. The board may, in its discretion, regardless of cause, withhold payment of a refund for a period not to exceed six months after receipt of an application from a member.

(4) Any member who has received a refund shall be considered a new member upon subsequent re-employment if such person qualifies for membership under the provisions hereof. After the completion of at least five years of continuous membership service following his latest re-employment, such member shall have the right to make a repayment to the system of the amount or amounts previously received as refund, including six per cent interest from the dates of refund to the date of repayment. Upon the restoration of such refunds, as herein provided, such member shall have reinstated to his account all credited service represented by the refunds of which repayment has been made. Repayment of refunds by any member shall include all refunds received by a member prior to the date of his last withdrawal from service and shall be made in a single sum.

Section 28. KRS 95.621 is amended to read as follows:

(1) A city of the third class may adopt an ordinance creating a pension fund for *fire fighters* [firemen] and policemen pursuant to KRS 95.621 to 95.629 as an alternative to the fund established in KRS 95.520 to 95.620. In the event a third-class city does elect to adopt KRS 95.621 to 95.629 all the provisions herein are mandatory. The provisions of KRS 95.620 shall apply to any city of the third class which has adopted KRS 95.621 to 95.629.

(2) Any member of the police or fire department serving at the time of passage of the ordinance and not desiring to participate in the fund and its benefits may be excluded by notifying the board of trustees of the pension fund in writing of his desire not to participate within ten (10) days after the effective date of this ordinance.

Section 29. KRS 95.622 is amended to read as follows:

(1) There shall be created in cities of the third class a policemen's and *fire fighter's* [firemen's] pension fund, and a board of trustees for that fund.

(2) In cities of the third class the board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund shall be composed of the mayor, city treasurer, chief of the police department, chief of the fire department and one (1) member each from the police and fire departments shall be elected by the respective members of those departments annually by ballot, one (1) from each department, and shall serve for one (1) year and until their successors are elected and qualified. The board shall select from their number a president and a secretary. The board of trustees shall be the trustees of the pension fund and of all moneys donated or paid for the relief or pensioning of members of the police and fire departments. It may do all things necessary to protect the fund.

Section 30. KRS 95.623 is amended to read as follows:

(1) The board of trustees of the pension fund may make all necessary rules for its government in the discharge of its duties, and shall hear and decide all applications for benefits or pensions. Its decision on these applications shall be conclusive, and not subject to revision or reversal, except by the board except as provided in subsection (1) of KRS 95.624. A record shall be kept of the meetings and proceedings of the board.

(2) The board of trustees of the pension fund shall make an annual report on the condition of the pension fund to the city commission or council at its first meeting in May of each year.

(3) The city attorney shall, if requested, advise the board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund in all matters pertaining to its duties and to the management of the fund. He shall represent and defend the board in all actions that may be brought against it, and bring all action in its behalf that may be requested by the board.

Section 31. KRS 95.624 is amended to read as follows:

(1) In cities of the third class, any member of the police or fire department having served twenty (20) years or longer consecutively in the police or fire department may petition the board of trustees for retirement, and if his petition is granted the board may order paid to him monthly fifty per cent (50%) of his monthly salary at the time of retirement. If this petition for retirement is denied, any policeman or *fire fighter* [fireman] has the right of appeal in accordance with the Rules of Civil Procedure.

(2) The pension payable for periods of service between twenty (20) and twenty-five (25) years shall be fifty per cent (50%) of salary plus two per cent (2%) of salary for each year in excess of twenty (20). The

pension payable for twenty-five (25) years of service shall be sixty per cent (60%) of salary. The pension payable for periods of service between twenty-five (25) and thirty (30) years shall be sixty per cent (60%) of salary plus three per cent (3%) of salary for each year in excess of twenty-five (25). The pension payable for thirty (30) years of service shall be seventy-five per cent (75%) of salary.

(3) The pensions or benefits paid for disability or death from the policemen's and *fire fighter's* [firemen's] pension fund in cities of the third class shall be as follows:

(a) If any member of the police and fire department becomes temporarily totally disabled, physically or mentally, the board of trustees of the pension fund shall order paid to him monthly, during his disability, until he has recovered and returned to active duty a sum of not more than one-half (1/2) his salary per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period.

(b) If any member of the police or fire department becomes permanently disabled, physically or mentally, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty per cent (50%) of his monthly salary at the time of his retirement.

(c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after one (1) year of service in the department and leaves a widow or a child under eighteen (18) years of age the board of trustees shall order a pension paid to the widow, while unmarried, of one-half (1/2) of salary per month and for each child until it reaches the age of eighteen (18) years, twenty-four dollars ($24.00) per month. If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of one-fourth (1/4) of salary per month. If one (1) parent is dead, the other shall receive the entire one-fourth (1/4) salary.

Section 32. KRS 95.627 is amended to read as follows:

(1) The policemen's and *fire fighter's* [firemen's] pension fund in cities of the third class shall consist of:

(a) The proceeds of an annual tax levied by the board of commissioners or council, the amount to be determined by the commissioners or council. Policemen and *fire fighters* [firemen] shall contribute the same rate as social security from their salary.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(2) Both the principal and interest of the pension fund shall be applicable to the payment of pensions in cities of the third class.

Section 33. KRS 95.761 is amended to read as follows:

(1) Any city of the fourth or fifth class which has now, or in which there may be hereafter established a regular police or fire department in the future, may by ordinance create a civil service commission, whose duties shall be to hold examinations as to the qualifications of applicants for employment within the police or fire departments.

(2) A city of the fourth or fifth class is authorized to adopt the provisions of KRS 95.520 to 95.620 governing policemen's and *fire fighter's* [firemen's] pension fund, the same as a city of the third class.

(3) A city of the fourth or fifth class is authorized to adopt the provisions of KRS 90.300 to 90.420 governing civil service, the same as a city of the third class.

(4) The legislative body of the city of the fourth or fifth class after adoption of the provisions of KRS 95.520 to 95.620 relating to a policemen's and *fire fighter's* [firemen's] pension plan, or KRS 90.300 to 90.420 relating to a civil service, may not revoke, rescind or repeal these adoptions.

(5)(a) Any of the following offices, positions, and places of employment, in the police and fire departments, may be excluded from the classified service: The chief of police, assistant chief of police, chief of *fire fighters* [firemen] and assistant chief of *fire fighters* [firemen].

(b) Any classified employe in either department who shall accept an appointment and qualify as chief of police, assistant chief of police, chief of *fire fighters* [firemen], or assistant chief of *fire fighters* [firemen], shall be deemed to have received a leave of absence from the classified service for, and during the incumbency of, any of said respective positions. Should any such chief or assistant chief, cease to serve as such, the same classification and rank which he had prior to said appointment shall be restored to him.

Section 34. KRS 95.762 is amended to read as follows:

(1) The commission shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications to fill the office of policeman or *fire fighter* [fireman], and as to their knowledge of the English language, and as to the law and rules governing the duties of policemen and *fire fighters* [firemen]. Every member of the police or fire department shall be a resident of the

county prior to his appointment, and shall be able to read and write and understand the English language, and have such other general qualifications as may be prescribed.

(2) No person shall be appointed a member of the police or fire departments unless he is well known to be a person of sobriety and integrity, and has been and is an orderly, law-abiding citizen, nor shall any person be appointed as a member of said police or fire departments on account of any political, partisan service rendered by him or on account of political sentiments or affiliations, or who is under twenty-one (21) years of age or over forty (40), unless the applicant has had as much as five (5) years' experience as a regular policeman or *fire fighter* [fireman] and is not over fifty-five (55) years of age. No member of the police or fire departments shall be removed or discharged or reduced in grade or pay for any political partisan opinion. The appointment and continuance upon the police and fire departments shall depend solely upon the ability and willingness of a person to comply with the rules of the said departments and to perform the duties of said departments. No appointment to or continuance as a member of a police or fire department shall be as a reward for political activity nor be obtained by political services or contributions to campaign funds, nor shall any member of said department pay or collect any assessments made by political organizations, or contribute to political campaign funds, or be unduly active in politics or work for the election of candidates for office.

(3) The examination and qualifications provided for in this section shall not apply to the members of the regular police and fire departments at this time, who have been continuously in the service for a period of three (3) years.

(4) Members of police and fire departments otherwise qualified under this law shall hold their positions during good behavior, provided, however, that the provisions of KRS 95.761 to 95.785 shall not prevent the said city legislative body from increasing or decreasing the number of policemen or *fire fighters* [firemen], as may be deemed proper from time to time, and provided further, that in the event the said city legislative body decreases the number of policemen or *fire fighters* [firemen], the youngest member in point of service shall be the first to be reduced and returned to the eligible list and to advance according to the rules and regulations of said department.

(5) The civil service commission may provide that appointments for initial permanent employment may be probationary appointments for a period of not more than six (6) months, after which probationary period regular appointments shall be given to all probationary employes who are deemed to be satisfactory by the respective appointing authority.

Section 35. KRS 95.764 is amended to read as follows:

The civil service commission shall conduct an examination of persons for appointment as members of the police and fire departments each time a vacancy shall occur in said departments. The mayor shall notify the commissioners each time a vacancy occurs in either of said departments and the commissioners shall within the two (2) weeks following the receipt of such notice hold an examination for persons seeking appointment to such vacancy after giving notice by publication pursuant to KRS chapter 424. Within one (1) week following the holding of said examination, said commissioners shall certify to the legislative body the names of the three (3) persons receiving the highest grades. The legislative body may appoint any one (1) of said three (3) persons to said department. In the event a vacancy thereafter occurs in said department, or additions thereto of regular or substitute policemen or *fire fighters* [firemen] are made, within one (1) year following the certification of said names, the legislative body shall fill said vacancy or make such additions from the list of names certified. The commissioners shall make all rules and regulations for the proper conduct of their office. The civil service commissioners shall receive a salary each of one dollar ($1.00) per annum, paid out of the city's general fund, and for their services and the expense of holding any one (1) examination by the commissioners after due notice by the mayor has been given to the chairman of the said commission that a vacancy occurs in either of said departments and after the eligible list has been exhausted, shall be paid by the legislative body out of the city's general fund, not to exceed ten dollars ($10.00).

Section 36. KRS 95.767 is amended to read as follows:

There shall be organized in connection with said police and fire departments a board to be known as the board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund, which shall be composed of the mayor of the city, city treasurer, police chief and fire chief, and one (1) member of the city council or city commissioners appointed by the mayor of said city, and said trustees shall select from their number a president and secretary. The city treasurer shall be ex officio treasurer of said board and custodian of its funds.

Section 37. KRS 95.768 is amended to read as follows:

(1) The police and *fire fighter's* [firemen's] pension fund in cities of the fourth class shall consist of (a) the proceeds of an annual tax, which may be levied by the city legislative body, of not more than three cents (3¢) on each hundred dollars ($100) in value of taxable property, (b) all rewards, fees, gifts or emoluments paid or given on account of extraordinary service of any member of the police or fire department; (c) assessments,

which the board of trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three and one-half per cent (3 1/2 %) of his salary, to be held from the monthly salary and paid by the city treasurer into the pension fund.

(2) Said fund shall be for the pensioning of any policeman or *fire fighter* [fireman] who has served in the police or fire departments for at least a period of twenty (20) years or more, providing that applicant has reached his fifty-first birthday, and all members of the police and fire departments shall be entitled to be credited with the services rendered continuously prior to the adoption ordinance under the provisions of KRS 95.761, by said city, to the eligibility of the twenty (20) year or more, period for pension, not less than three (3), nor to exceed fifteen (15) years of previous service, and for the further purpose of pensioning any member of the police or fire department who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under fourteen (14) years of age, or either of them, of any member of said departments who may lose his life while in the service and on active duty. The payments made under the provisions of this section shall constitute and be kept as a fund to be called the "Policemen's and *Fire fighter's* [Firemen's] Pension Fund," and the board of trustees of the policemen's pension fund, are declared to be the trustees of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

Section 38. KRS 95.769 is amended to read as follows:

Said board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund shall have the exclusive control and management of the said fund and all moneys donated, paid or assessed for the relief or for pensioning retired, crippled or disabled members of the police or fire departments or the widows and dependent children under the age of fourteen (14) years or dependent fathers or mothers of any members of the departments killed in the service, while in line of duty, and shall assess each member of the police and fire departments not exceeding three and one-half per cent (3 1/2 %) of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of such city to the credit of such fund, subject to the order of such board.

Section 39. KRS 95.771 is amended to read as follows:

The said board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund shall have all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under KRS 95.761 to 95.785, and its decision of such applications shall be final and conclusive, and not subject to revisions or reversal, except by said board, and a record shall be kept of all meetings and the proceedings of said board.

Section 40. KRS 95.772 is amended to read as follows:

The said board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund shall have the power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund, in interest-bearing bonds of the United States or the state of Kentucky, or any county or city of the first, second, third or fourth class in the state of Kentucky, or in any securities in which trustees or guardians are permitted to invest trust or guardianship funds under the laws of this state, and all such securities shall be deposited with the treasurer of said city as ex officio treasurer of said board and shall be subject to the order of said board. Both the principal and interest of said pension fund shall be applicable to the payment of pensions under KRS 95.761 to 95.785.

Section 41. KRS 95.776 is amended to read as follows:

Whenever an active or retired policeman or *fire fighter* [fireman] dies from any cause, the board of trustees shall appropriate from the pension fund a sum not exceeding one hundred dollars ($100), made payable to the widow or family, for funeral expenses.

Section 42. KRS 95.778 is amended to read as follows:

The treasurer of the board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund shall be the custodian of said pension fund and shall securely and safely keep the same, subject to the control and direction of said board, and shall keep his or her books and accounts concerning such fund in such manner as may be prescribed by the board and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten (10) days after his appointment or election, execute a bond to the city with good and sufficient surety, in such penal sum as the legislative body shall direct, to be approved by the legislative body of said city, conditioned for the faithful performance of the duties of his or her office, and that he or she will safely keep and well and truthfully account for all money and properties which may come into his or her hands as such treasurer; and that, upon the expiration of his or her term of office, he or she will surrender and deliver to his or her successor all bonds, securities, and all unexpended moneys or other properties which may have come into his or her hands as treasurer of said fund. Said bond shall be filed in the office of the city clerk, as other bonds, and may be sued on in the name of the said city, for the use of said board of trustees, or in the name of the board of trustees, or any person or persons injured by a breach thereof. The premium on said bond shall be paid out of said pension fund in the manner provided in KRS 95.761 to 95.785 for expending sums.

Section 43. KRS 95.782 is amended to read as follows:

The board of trustees of the policemen's and *fire fighter's* [firemen's] pension fund shall make a report in writing, signed by the president and secretary of said board, to the legislative body of said city, of the condition of said pension fund, on the first meeting in September of the legislative body of said city in each and every year.

Section 44. KRS 95.783 is amended to read as follows:

In the event that the provisions of KRS 95.761 to 95.785 are accepted and adopted by the legislative body of a city of the fourth class by ordinance, as herein provided, the repeal of such ordinance shall not become effective unless adopted by the unanimous vote of the duly elected members of such legislative body. In the event a repeal ordinance is adopted by such legislative body, all moneys or property belonging to the policemen's and *fire fighter's* [firemen's] pension fund at the time of the repeal of the said adoption ordinance shall be dissolved or liquidated by the board of trustees of said policemen's and *fire fighter's* [firemen's] pension fund and distributed by said board in the following manner: Within sixty (60) days of adoption by said legislative body of said repeal ordinance, the said board of trustees shall proceed with the liquidation of said pension fund as follows: All unexpended moneys appropriated to said pension fund out of the said city's general fund to the policemen's and *fire fighter's* [firemen's] pension fund by the said legislative body of such city and at the time of adoption of a repeal ordinance shall revert back to the city's general fund. All other unexpended moneys or property which has come into the said pension fund's hands shall be liquidated by said board of trustees in the following manner: All unexpended moneys in the said pension fund which accumulated thereto by assessments from policemen's and *fire fighter's* [firemen's] salaries and gifts, or accumulated thereto in any manner except appropriations from the said city's general fund, shall revert back to the active or retired policemen and *fire fighters* [firemen] and dependents who have qualified under KRS 95.761 to 95.785 in such city. In the division to the beneficiaries, the board of said trustees shall use in the division of said fund the per centum of the present salaries of such members. After all disbursements have been made of said fund by the board of trustees, the said board of trustees shall file, as their last act, a complete report of same with said legislative body within thirty (30) days, and such report shall be kept in the office of the city clerk as other city records.

Section 45. KRS 95.784 is amended to read as follows:

No policeman or *fire fighter* [fireman] shall be entitled to the benefits herein provided incidental to voluntary retirement from either of said departments on account of service, unless he shall have been employed continuously for a period of at least five (5) years from and after the date of the passage of the adoption ordinance by the legislative body, and the amount of such sum paid to such member shall be fixed by the board of trustees payable monthly, not to exceed one-half (1/2) of the salary such member was in receipt of at the time of voluntary retirement. The payments fixed by said trustees to such member shall not exceed one (1) year.

Section 46. KRS 95.830 is amended to read as follows:

(1) Any city in the state owning or controlling fire apparatus may take it to extinguish fires to any point in the county in which that city is located, into a smaller territory in that county, or into areas of another county or state, as determined by the city legislative body. The apparatus shall be so used only in conformity with reasonable terms and regulations which the city legislative body may prescribe.

(2) The city shall not be liable in any manner on account of the use of the apparatus at any point outside of the corporate limits of the city. The apparatus shall be deemed to be employed in the exercise of a governmental function of the city.

(3) All city or fire protection district *fire fighters* [firemen], full-paid or volunteer, serving at a fire or doing fire prevention work outside the corporate limits of a city or a fire protection district shall be considered as serving in their regular line of duty, as though they were serving within the corporate limits.

(4) Full-paid *fire fighters* [firemen] shall receive no additional compensation, and volunteer firemen shall receive only the compensation provided by ordinance for such cases.

(5) All *full-paid fire fighters and volunteer* firemen are entitled to the benefits of any *fire fighter's* pension fund or *volunteer* firemen's fund, the same as if the fire fighting or fire prevention work had been

within the corporate limits of the city or the fire protection district.

Section 47. KRS 95.850 is amended to read as follows:

(1) The legislative bodies of cities of the third and fourth classes may, in their discretion, pay unto any member of the police or fire departments, in case he is disabled from an injury received while acting in his official capacity and in the line of duty to such an extent as he is unable to execute the duties of his official capacity or pursue a gainful occupation for which he is fitted by training or experience, monthly compensation benefits equal to the member's monthly earnings at the time of his injury, so long as his disability continues, but in no event shall the total amount paid as compensation benefits to any member exceed the sum of five thousand dollars ($5,000).

(2) The legislative bodies of cities of the third and fourth classes may, in their discretion, in addition to the compensation benefits provided for in subsection (1), pay the member's medical and hospital expenses, but in no event shall the payments therefor exceed the sum of one thousand dollars ($1,000).

(3) The testimony of competent medical authorities shall be the sole test as to whether any member is disabled to the extent provided for in subsection (1).

(4) This section is not applicable in any city of the third or fourth class which has in operation, pursuant to statute, a pension system for policemen and *fire fighters* [firemen], under which disability benefits are payable.

Section 48. KRS 95.851 is amended to read as follows:

Words and phrases, used in KRS 95.851 to 95.885, unless a different meaning is clearly indicated by the context, shall have the following meanings:

(a) "Fund" shall mean the "Policemen's and *Fire fighter's* [Firemen's] Retirement Fund of the City of ....."

(b) "City" shall mean any city of the second class in the state of Kentucky, or city of the second class which may subsequently attain first-class status.

(c) "Department" shall mean the police department or the fire department of a city.

(d) "Board" shall mean the board of trustees provided for herein as the agency responsible for the direction and operation of the affairs and business of the fund. The board shall hold title to all assets of the fund.

(e) "Member" shall mean any member of the police or fire department who is included in the membership of the fund.

(f) "Service" shall mean actual employment in a department of a city for salary or compensation, or service otherwise creditable as herein provided.

(g) "Prior service" shall mean service rendered prior to the date of establishment.

(h) "Membership service" shall mean service rendered on or after the date of establishment.

(i) "Total service" shall mean prior service, membership service, and military service.

(j) "Regular interest" shall mean such rate of interest as shall be fixed by the board, provided that for the first five (5) years of operation of the fund the rate shall be three per cent (3%) per annum, compounded annually.

(k) "Occupational disability" shall mean disability due to occupational causes, including but not limited to injury or disease. The presumption of contracting disease "while on active duty as a result of strain or the inhalation of noxious fumes, poisons or gases" created by KRS 79.080 shall be a presumption of "occupational disability" hereunder.

(l) "Occupational death" shall mean death due to occupational causes, including but not limited to injury or disease.

(m) "Average salary" shall mean the highest average annual salary of the member for any three (3) consecutive years of service within the total service of the member.

(n) The masculine pronoun, wherever used, shall include the feminine pronoun; also, widow shall include widower.

(o) The fiscal year of the fund shall date from July 1 of any year to June 30 of the next year following.

(p) "Total disability" shall mean a disability which substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely.

Section 49. KRS 95.852 is amended to read as follows:

There is hereby established in cities of the second class, a retirement and benefit fund for members of the police and fire departments, their dependents and beneficiaries. The fund shall be established as of July 1, 1956, and shall be known as the "Policemen's and *Fire fighter's* [Firemen's] Retirement Fund of the City of ....." In such name all of its business shall be transacted, all of its moneys invested and all of its accumulated reserves consisting of cash, securities, and other property shall be held.

Section 50. KRS 95A.010 is amended to read as follows:

(1) This chapter shall apply to the personnel of all fire departments in the state whether paid or unpaid, or both.

(2) Except as expressly provided in this chapter, nothing herein contained shall be deemed to limit the powers, rights, duties, and responsibilities of municipal or county governments, or the *fire fighter's* [firemen's] and policemen's civil service act.

Section 51. KRS 276.240 is amended to read as follows:

(1) Except as provided in subsection (4) of KRS 276.060, no common carrier of passengers, within the meaning of section 197 of the constitution, or any officer or agent of such carrier, shall give passenger transportation within this state without charge, or for any consideration other than money paid in the usual way at the same charge open to all who desire to purchase, or at a reduced charge not common to the public, or issue any ticket, pass, permit or contract therefor, to any person except the following:

(a) Officers, bona fide employes, agents, attorneys, physicians and surgeons of such carrier, and of any other common carrier of passengers with which such carrier has an agreement for interchange of free transportation for such persons, including furloughed, pensioned and superannuated employes, and persons who have become disabled or infirm in the service of the carrier;

(b) Dependent members of the immediate families of the persons mentioned in paragraph (a), including the family of those persons killed while in the service of the carrier, and the widows and widowers, during widowhood and widowerhood, and minor children of those persons who died while in the service of the carrier;

(c) Ministers of religion and persons engaged exclusively in charitable and eleemosynary work;

(d) Traveling secretaries of Young Men's and Young Women's Christian Associations;

(e) Officers and inmates of homes for the rescue and reform of the unfortunate or vicious, including persons about to enter such institutions and persons returning home after discharge;

(f) Indigent, destitute and homeless persons, and, when transported by charitable societies or hospitals, the necessary agents employed in such transportation;

(g) Inmates of federal or state homes for soldiers and sailors;

(h) Persons injured in wrecks or accidents and physicians and nurses attending such persons;

(i) Witnesses attending any legal investigation or proceeding in which the common carrier is interested;

(j) Necessary caretakers of livestock, poultry, milk or fruit, to the point of destination and returning to the forwarding point;

(k) Employes of sleeping cars and express cars, and linemen of telegraph and telephone companies;

(l) Railway mail service employes, post office inspectors, custom inspectors and immigration inspectors;

(m) Newsboys on trains and baggage agents;

(n) Policemen and *fire fighters* [firemen] of any city, wearing the insignia of their office, for transportation within the limits of such city;

(o) School children going to and returning from public or parochial schools;

(p) Students going to or returning from the state university or any state teachers' college;

(q) Regularly employed common school and high school inspectors;

(r) All persons traveling upon a special train or car provided by the common carrier for educational, health or agricultural purposes, or any car for the distribution of fish or game;

(s) Employes of the department of fish and wildlife resources, while engaged in the distribution of fish or game;

(t) Officers or regular accredited representatives of labor organizations composed wholly of employes of common carriers of passengers.

(2) This section does not prevent the bona fide exchange of transportation for advertising matter actually contracted for.

(3) No person, other than those mentioned in subsection (4) of KRS 276.060 and in paragraphs (a) to (t) of subsection (1) of this section, shall accept, use or attempt to use any transportation or evidence of right to transportation given or issued in violation of subsection (1) of this section.

Section 52. KRS 427.120 is amended to read as follows:

No part of any police or *fire fighter's* [firemen's] pension fund established in a city of the first, second or third class shall, before or after its order for distribution to any person entitled thereto, be seized or levied upon by any writ or decree for the payment of any debt, claim or judgment against the beneficiary of the fund.

The Committee on Counties and Special Districts reported **HB 701, SB 188, SB 202, SB 206** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 701, AN ACT relating to public transportation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 96A.120 is amended to read as follows:

For the purposes of acquiring or otherwise establishing one or more transit systems, or parts thereof, or for the purpose of *operating,* adding to, extending or improving one or more mass transportation systems owned or to be acquired or established, or for any combination of such purposes, *in addition to other methods permitted by law,* an authority may resort to financing according to any of the following financing methods, or any combination thereof, to the extent not inconsistent, one with another:

(1) Upon determination of its financing needs, an authority, by resolution of its board, may request the public body responsible for its creation and establishment, or any one or more of such public bodies if there be more than one:

(a) To appropriate and pay over to the authority all or any part of the amount determined to be necessary, or

(b) To provide the amount so determined to be necessary, or any part thereof, from the proceeds of general obligation bonds of such public body or public bodies, in which event the governing body or governing bodies of such public body or public bodies may, in its or their discretion, take such action as may be required by the constitution and applicable statutes of the commonwealth to submit to the voters thereof, at one or more elections to be held for such purpose, a proposal or proposals that the issuance of such general obligation bonds be approved and authorized, and if so approved and authorized, such general obligation bonds may be issued and the proceeds thereof may be appropriated to the authority in the manner requested;

(2) An authority may issue revenue bonds in its own name, payable solely from its income and revenues, and not constituting or purporting to constitute an indebtedness of the authority or of any other public body within the meaning of debt-limiting provisions of the constitution and applicable statutes of the commonwealth, in the manner and in accordance with the procedures set forth in KRS 58.010 to 58.170, inclusive, and KRS 61.390, subject to any interest rate limitations which may be applicable thereto as provided by law;

(3) An authority may issue its mortgage bonds, as authorized by KRS 58.170 and may make provision for obtaining revenues for the payment of the principal of and interest thereon, and for the payment of costs of operating and maintenance, and for the accumulation of reserves for renewals, replacements, extensions and improvements, and for debt service reserves, by leasing any mass transportation system owned by the authority, or to be acquired or established by the authority (or, if there be more than one mass transportation system, by leasing the same individually or in any combination) to one or more public bodies, whether or not such public bodies, or any of them, shall have participated in the creation and establishment of the authority. Any such lease shall be a written instrument, executed by the authority as lessor, and by one or more public bodies, as a lessee or lessees, for a period of one (1) year (which may be from the date of the mortgage bonds, or from the date of acquisition or other establishment of the mass transit system or systems referred to therein), with exclusive options to the lessee or lessees to renew the same thereafter, from year to year, for one (1) year at a time, upon such rentals and other terms and provisions as will provide to the authority, in the event such lease is renewed by the lessee or lessees from time to time in accordance with such options, annual sums sufficient to provide for meeting the purposes of this subsection;

(4) General obligation bonds issued for the benefit of an authority, or revenue bonds or mortgage bonds issued by an authority may, in the discretion of the parties involved in the issuance thereof, be refinanced, whether at maturity or upon prior redemption in accordance with the terms thereof, by the issuance of bonds according to any of the financing plans herein authorized.

Section 2. KRS 96A.170 is amended to read as follows:

[(1)] An authority created and established under this chapter, together with its ownership, financing, operation, rates and charges for use of its services and facilities, rules and regulations, routes, schedules and quality of service within its transit area shall be exempt from all jurisdiction of the department of transportation of the commonwealth, provided, however, that no new service may be instituted within or outside of the authority's transit area in competition with an existing certificated bus company without an application to and a grant of authority from the department of transportation as provided by KRS chapter 281, provided further that nothing in this section shall deny the department of transportation the authority to render such advice and assistance, including financial aid, engineering, planning and technical assistance, as it deems advisable, to enable an authority as created under this chapter to acquire, construct, expand, maintain, and operate a mass transit system as defined in this chapter and to establish regulations to promote local transit authorities.

[(2) No transit authority may engage in any charter bus service beyond the territorial limits of its transit area except a transit authority located in an urban-county government which may engage in intrastate charter bus service within twenty-five miles from the boundaries of the urban-county government.]

Section 3. KRS 96A.180 is amended to read as follows:
An authority *may* [shall] provide for insurance of its properties, and for workmen's compensation, and for public liability or any other risk or hazard arising from its activities, and may provide for the insuring of its officers or employes against any such risk or hazard, and the expense of obtaining such insurance, and of paying the premiums therefor from time to time, shall be borne by the authority and chargeable as an operating expense of the authority. [In the event it shall prove to be impossible to obtain any such insurance coverage from reliable and reputable insurance carriers at reasonable rates,] The board of an authority may provide for self insurance and may establish for that purpose such reserves as *it may deem appropriate* [may be within its ability to pay].

Section 4. KRS 96A.210 is amended to read as follows:
Counties and cities of this state abutting upon the boundary line between this state and any other state are hereby authorized separately, jointly with each other, or jointly with any other county, municipality or political subdivision of any such abutting state *to contract for transit service or to supply transit service or* to form a transit authority or to become a part of an existing transit authority, as authorized by this chapter, with the broad and specific powers granted hereunder; or under KRS chapter 65; Provided, however, That any contract, agreement or compact authorized to be made under this section, shall be made with due regard to such federal or state constitutional requirements, as may prevail at the time of the making thereof.

SB 188, AN ACT relating to joint city-county motor vehicle parking authorities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 94.810 is amended to read as follows:
(1) Any city by ordinance may create motor vehicle parking authorities, *or at any time, the legislative body of a city by ordinance and the fiscal court of the county containing the city may enter into an agreement to form a joint city-county motor vehicle parking authority.* Such parking authorities shall have the power of acquisition, creation and operation of public street and off-street parking facilities. Such powers shall include, but not be limited to, the powers given to cities, by KRS 93.352 to 93.356 and 94.750. The fees charged need not be limited to the cost of operation and administration but may be for revenue.

(2) If a city, already having a motor vehicle parking authority in existence, enters into an agreement to form a joint parking authority with the county, the agreement shall provide for the assumption of the debts and liabilities of the existing parking authority by the joint parking authority and the transfer of any assets of the existing parking authority, including real property and improvements, to the joint parking authority.

(3) The termination of an agreement between a city and county to form a joint parking authority will not result in the continued existence of a city motor vehicle parking authority, unless specifically provided for in the agreement.

Section 2. KRS 94.815 is amended to read as follows:
(1) A city parking authority shall consist of five (5) persons appointed by the mayor with the approval of the city or urban-county government legislative body, to serve as commissioners of the local parking authority. Three (3) of the commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), and three (3) years, respectively, and the remaining two (2) of such commissioners shall be designated to serve for terms of four (4) years each, from the date of their appointment. Upon expiration of the staggered terms, the successors shall be appointed for a term of four years. Appointments to complete unexpired terms of office shall be made in the same manner as the original appointments. [The commissioners shall constitute the governing body of the parking authority and shall adopt such bylaws, rules and regulations as are necessary for governing of the authority.]

(2) *A joint city-county parking authority shall consist of six (6) commissioners. Three (3) of the commissioners shall be appointed by the mayor with the approval of the city legislative body. Three (3) of the commissioners shall be appointed by the county judge/executive with the approval of the fiscal court. The three (3) commissioners who are first appointed by the mayor shall be designated to serve for terms of one (1), two (2) and three (3) years respectively and the same shall be true for the commissioners initially appointed by the county judge/executive. Upon expiration of the staggered terms, the successors shall be appointed for a term of four (4) years. Appointments to complete unexpired terms of office shall be made in the same manner.*

(3) The commissioners shall constitute the governing body of the parking authority and shall adopt such bylaws, rules and regulations as are necessary for governing of the authority. Any *commissioner* [member of the board] may be removed from office upon a vote of a majority of the members of the governing body *which approved his appointment* [of the municipality] for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance; after at least ten (10) days' written notice of the hearing to the member whose conduct is in question and to all members of the governing body. At the hearing the member may be represented by counsel and may appear personally and present such pertinent evidence as he wishes. If after the hearing the governing body determines that he is guilty of the charges they shall remove the member from the authority within seven (7) days, and there shall be a vacancy of the office.

(4) [(3)] *The commissioners of a motor vehicle parking authority* [These five (5) persons] are a body corporate constituting a public corporation and a governmental agency within the meaning of KRS 58.010, and shall have all the powers granted by KRS 58.010 to 58.170.

Section 3. KRS 94.820 is amended to read as follows:

The [city] legislative body may fix the compensation of the *commissioners whose appointment they approve* [board members]. The compensation of a *commissioner* [board member] shall not be decreased during the term to which he was appointed.

Section 4. KRS 94.825 is amended to read as follows:

A [The] parking authority shall have the power to contract with any city *or county* in accordance with the provisions of KRS 93.351 to 93.359, 94.750 and 82.050.

SB 202, AN ACT relating to fiscal courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 67.050 is amended to read as follows:

(1) Any county may have a fiscal court consisting of the county judge/executive and three (3) commissioners elected from the county at large. To ascertain whether the county desires to have county commissioners, the county judge/executive, upon an application by written petition signed by one hundred (100) legal voters of the county, shall enter an order on his order book calling an election to submit to the legal voters of the county the following question: "Are you for or against having a fiscal court composed of three (3) commissioners and the county judge/executive of the county court?" The order shall be entered at the next regular term after the petition is filed, and shall direct the election to be held at the next regular election to be held in the county that does not occur within less than sixty (60) days from the filing of the petition. The county clerk shall give to the sheriff or other officer appointed to hold the election a certified copy of the order within five (5) days after the order is made, and the sheriff or other officer shall have the order published pursuant to KRS chapter 424 and in addition advertise it by printed handbills posted at one or more conspicuous places in each precinct in the county for the length of time that publication is required, stating when the election will be held and the purpose thereof.

(2) All such elections shall be held under the general election laws. No such election shall be held in any county oftener than once in four (4) years.

(3) Any county that has voted in favor of having county commissioners may return to its prior form of government by following the same procedures as provided in subsections (1) and (2) of this section, by which it chose to have county commissioners. *A petition for an election on a return to a fiscal court composed of justices of the peace and the county judge/executive shall state a proposed number of justices of the peace. The question to be submitted to the voters shall be in the following form: "Are you in favor of a return to a fiscal court composed of the county judge/executive and (insert the proposed number of justices) justices of the peace who shall represent specific districts within the county?"*

(4) If a majority of the votes cast at an election held under subsection (3) of this section are in favor of a return to a fiscal court composed of justices of the peace and the county judge/executive, the county judge/executive shall, if necessary, initiate proceedings to reapportion the justices districts. The change in the composition of the fiscal court shall become effective upon the assumption of office of justices of the peace elected at the next regular election for that office.

Section 2. KRS 67.060 is amended to read as follows:

(1) If a majority of the votes cast at an election held under KRS 67.050 are in favor of the fiscal court being composed of the county judge/executive and three (3) commissioners, the county judge/executive shall, before the next regular election for county officers, divide the county into three (3) districts as nearly equal in population as practicable, and shall establish the boundary lines of each of the three (3) commissioner districts

so that each district is an unbroken area and not split or divided by another commissioner district. At the next regular election for county officers, and every four (4) years thereafter, there shall be elected by the voters of the entire county three (3) commissioners, one (1) from each district who, with the county judge/executive, shall constitute the fiscal court.

(2)(a) In any county containing a city of the first class, which county has heretofore voted in favor of a fiscal court composed of the county judge/executive and three (3) county commissioners, the county judge/executive shall divide the county into three (3) districts as provided in subsection (1), the districts to be designated for identification purposes by the letters A, B and C, respectively.

(b) The three commissioners shall be elected by the qualified voters of the county at large at regular elections held every four years. One commissioner shall represent District A and shall be elected at the regular election in the year 1973, and two commissioners who shall represent Districts B and C, respectively, shall be elected at the regular election in the year 1975.

(3) Persons seeking the nomination of a political party as candidate for the office of county commissioner shall, where a primary election is required for such political party, be voted upon exclusively by the eligible voters of the district in which the person resides and seeks to represent. Persons seeking the nomination of a minor political party, persons who file as independent candidates or persons seeking the nomination in counties containing cities of the second class shall not be subject to the provisions of this paragraph. They shall be nominated by the voters of the entire county.

(4) To be eligible for election as a commissioner representing one of the three districts, a person shall have been a bona fide resident of the district he proposes to represent for at least one year immediately preceding the election, and, upon election, shall continue to reside within the district he was elected to represent for the duration of his term of office, under penalty of forfeiture of the office.

(5) Commissioners elected under this section shall take the oath of office and enter upon the discharge of their duties on the first Monday in January after their election, and shall serve for terms of four (4) years and until their successors are elected and qualify, *or until the effective date of a return to a fiscal court composed of justices of the peace and the county judge/executive.*

(6) No person is eligible to be a county commissioner unless he is at least twenty-four (24) years of age and has been for two (2) years next preceding his election a resident of the county and a citizen of Kentucky.

SECTION 3. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

(1) In counties containing a city of the first class boundaries of justices' districts shall be drawn by the county judge/executive and fiscal court so that the population of each district shall be as nearly equal as is reasonably possible.

(2) To initiate a reapportionment proceeding, the county judge/executive shall furnish the fiscal court with written notice of the need to reapportion justices' districts and shall publish notice of the planned reapportionment in accordance with KRS Chapter 424. Said reapportionment to be completed within 120 days after the referendum.

(3) The county judge/executive and fiscal court shall, within sixty (60) days of receipt of the written notice, lay off the boundary lines of the districts. A written report, showing the boundary of each district and the estimated population in each shall be filed with the county clerk. Not later than twenty (20) days after the filing of the report, any citizen of the county may file exceptions, and the circuit court shall fix a day not later than ten (10) days after the filing of exceptions for the trial thereof. On the trial the court shall dispose of the exceptions and, by order entered of record, establish the boundaries of the districts.

(4) Precinct lines shall be redrawn when necessary in accordance with the provisions of KRS 117.055.

(5) Any reapportionment made in accordance with the provisions of this Act shall be certified by the county judge/executive to the county clerk.

SECTION 4. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

In counties containing a city of the first class where the fiscal court is composed of justices of the peace and the county judge/executive, the county shall be divided into eight (8) justices' districts and the justice elected from each district shall be entitled a magistrate/representative.

SB 206, AN ACT relating to cross-walks, curbs and gutters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 66.660 is amended to read as follows:

(1) The legislative body of any city, county or urban county government shall provide for and regulate cross-walks, curbs, and gutters; provided, that after *the effective date of this Act* [June 21, 1974], all new curbs, and all existing curbs which are a part of any reconstruction, within any block which is contiguous to

any highway and in which 50 per cent (50%) of the territory is devoted to or zoned for business, commercial, *residential* or industrial use, shall comply with the provisions of subsection (2).

(2) In order to enable persons using wheelchairs to travel freely and without assistance, at each crosswalk a ramp with non-slip surface shall be built into the curb so that the sidewalk and street blend to a common level. Such ramp shall not be less than 32 inches wide and shall not have a slope greater than one (1) inch rise per 12 inches length, where practicable. In all ramps there shall be a gradual rounding at the bottom of the slope.

The Committee on Education reported **SB 155, SB 291, SB 292, SB 308, SB 312** with Committee Amendment attached thereto, and **SB 339** with the expression of opinion that the same should pass. Read at length for the first time and placed in the Calendar.

SB 155, AN ACT relating to higher education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 164.020 is amended to read as follows:

The council on public higher education in Kentucky shall:

(1) Engage in analyses and research to determine the overall needs of higher education in the Commonwealth.

(2) Develop and transmit to the governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state colleges and universities, the community colleges, and the University of Kentucky as provided by statute. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in such federal legislation; Provided, however, That when such federal legislation requires representation on any such "single state agency" by private or nonstate institutions of higher education in the state, the commission on higher education, or its successor agency, shall be considered the "single state agency" as that term may be used in such federal legislation.

(3) Determine the amount of entrance and/or registration fees and approve the qualifications for admission to the public institutions of higher education. In determining the entrance and/or registration fees for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and such other factors as the council may in its sole discretion deem pertinent.

(4) Consider the requirements and review the budget requests, which shall be prepared in the manner and submitted by the institutions to the council by dates prescribed by the council, of the institutions of public higher education as to their appropriate level of support considering the functions of the institutions and their respective needs. The individual institutions' budget requests, including tuition and registration fee schedules for all categories of students, along with council recommendations which shall be submitted to the governor through the executive department for finance and administration not later than November 15 of each odd numbered year.

(5) Review and approve all capital construction projects the cost of which exceeds one hundred thousand dollars ($100,000) approved by the governing boards of the state-supported institutions of higher education prior to the institutions' submission of such projects to the executive department for finance and administration and/or state property and buildings commission.

(6) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties.

(7) Publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education.

(8) Approve all graduate degree programs including all schools and degree programs for which professional, regional and/or national accreditation of the school or program is available and/or licensing or certification of the graduate are required. Review proposals and make recommendations to the governor regarding the establishment of new state-supported community colleges and new four-year colleges. Provided, nothing in KRS 164.010, 164.020, 164.125, and 164.290 to 164.295 shall be construed to grant the council on public higher education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

(9) *Approve the* [Prescribe the curricula for] teacher education *programs in the public institutions.*

(10) Elect a chairman annually from the voting membership and appoint an executive director and such staff as may be needed and fix their compensation without limitation of the provisions of KRS chapter 18 and

KRS 64.640 subject to the approval of the commissioner of personnel and the commissioner of the executive department for finance and administration.

(11) Constitute the representative agency of the Commonwealth in all matters of higher education of a general and statewide nature which are not otherwise delegated to one or more institutions of higher learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment.

Section 2. KRS 164.070 is amended to read as follows:

The council shall meet in the office of the *executive director* [superintendent of public instruction] or such other place as it designates.

Section 3. KRS 164.090 is amended to read as follows:

A majority of the *voting members of the* [entire] council constitutes a quorum for the transaction of business, but no business shall be transacted and no proposition carried unless a majority of the *voting members* [entire council] votes for it.

Section 4. KRS 164.130 is amended to read as follows:

(1) The government of the University of Kentucky is vested in a board of trustees consisting of sixteen (16) competent citizens of Kentucky appointed by the Governor, two (2) [non-voting] members of the teaching faculty of the University of Kentucky, and one (1) member of the student body of the University of Kentucky. The voting members of the board shall select a chairman annually. The terms of the appointed members shall be for four (4) years and until their successors are appointed and qualified. Four (4) of the sixteen (16) appointed members shall be appointed each year. Three (3) of the appointed members shall be representative of agricultural interests, three (3) shall be alumni of the university, and ten (10) shall be other distinguished citizens of the state representative of the learned professions. The governor shall so make the appointments as to divide the representation on the board as equally as possible between the two (2) leading political parties of this state. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for the original appointments.

(2) The [non-voting] faculty members shall be teaching or research members of the faculty of the University of Kentucky of the rank of assistant professors, or above. They shall be elected by secret ballot by all faculty members of the university of the rank of assistant professor and above. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualify. Faculty members shall be eligible for re-election, but they shall be ineligible to continue to serve as members of the board of trustees if they cease to be members of the teaching staff of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original elections.

(3) The student member shall be the president of the student body of the university. If the president of the student body is not a full-time student who maintains permanent residency in the commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this commonwealth as the student member.

(4) No member of the Board of Trustees or its administrative staff shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment or services, with exception of compensation to the two (2) faculty members.

Section 5. KRS 164.320 is amended to read as follows:

(1) The board of regents for Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Kentucky State University and Northern Kentucky University shall each consist of eight (8) members appointed by the governor, one (1) [non-voting] member of the teaching faculty, and one (1) member of the student body of the respective university or college. The voting members of the board shall select a chairman annually.

(2) The terms of appointed members shall be for four (4) years, and until their successors are appointed and qualified. Such appointments shall be made by the governor within thirty (30) days after the expiration of the term of each member. If the governor should fail to make any such appointment within thirty (30) days after the expiration of the term of any member, the remaining members of the board of regents of the particular university or college whose terms shall not have expired, shall make such appointment within sixty (60) days after the expiration of such term.

(3) Not more than two (2) appointed members of any board shall be residents of one (1) county; nor more than four (4) of the appointed members of any board shall belong to the same political party. Membership on the board shall not be incompatible with any other state office.

(4) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.

(5) Each appointed member of the board shall, at the first meeting following his appointment, take an oath to faithfully discharge his duties.

(6) Each member of the board shall serve for the term for which he is appointed and until his successor is appointed and qualified.

(7) The [non-voting] faculty member shall be a teaching or research member of the faculty of his respective university or college of the rank of assistant professor or above. He shall be elected by secret ballot by all faculty members of his university or college of the rank of assistant professor or above. The faculty member shall serve for a term of three (3) years and until his successor is elected and qualified. The faculty member shall be eligible for re-election, but he shall not be eligible to continue to serve as a member of such board if he ceases being a member of the teaching staff of the university or college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

(8) The student member shall be the president of the student body of the university or college on whose board of regents he is to serve. If the president of the student body is not a full-time student who maintains permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member.

Section 6. KRS 164.505 is amended to read as follows:

(1) Any person whose parent *or any non-remarried widow or widower whose spouse* was a resident of the commonwealth of Kentucky upon joining the Kentucky national guard or entrance into military service and who was killed while serving in state active duty, active duty for training, inactive duty training with the Kentucky national guard or in the armed forces of the United States during a national emergency, or wars declared by congress or actions of the United Nations *or was killed by hostile fire while on active duty in the armed forces of the United States or the Kentucky national guard* or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon his admission to any state supported university, junior college or vocational training institution.

(2) In order to obtain the benefits conferred by subsection (1), the parent-child relationship must be shown by birth certificate, adoption papers or other documentary evidence. *The spousal relationship must be shown by a marriage certificate or other documentary evidence.* The parent's *or spouse's* service and the cause of death must be evidenced by certification from the records of the Kentucky department of military affairs or the veterans' administration records, or the department of defense of the United States. In event one so admitted to a state supported university, junior college or vocational training institution under the provisions of this section shall have obtained a cash scholarship paid or payable to such institution, from whatever source, the amount of such scholarship shall be applied to the credit of such applicant in the payment of incidental expenses of his attendance at such institution, and any balance, if the terms of the scholarship permit, shall be returned to such applicant.

Section 7. KRS 164.515 is amended to read as follows:

(1) The spouse, regardless of age, and any child or orphan of a permanently and totally disabled member of the Kentucky National Guard injured while on State active duty, active duty for training, or inactive duty training, a permanently and totally disabled war veteran or prisoner of war or member of the armed services declared missing in action, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education or to any state supported vocational training school for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.

(2) To be entitled to benefits under this section the parent of the child claiming benefits if living must be rated permanently and totally disabled for pension purposes or one hundred per cent (100%) disabled for compensation purposes by the United States veterans' administration of the department of defense or if deceased the claim to benefits is to be based on the rating held by the veteran at the time of death or if a prisoner of war or missing in action, must have been declared as such by the department of defense. Members of the Kentucky national guard must be rated permanently and totally disabled as provided in KRS chapter 342. The parent's or spouse's service must be evidenced by certification from the records of the Kentucky department of military affairs, veterans' administration records, or the department of defense of the United States.

(3) In the absence of certification of permanent and total disability by the Kentucky workmen's compensation board, the United States veterans' administration or the department of defense, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty (30) days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice or an official of an accredited medical hospital.

(4) The parent-child relationship must be shown by birth certificate, legal adoption papers or other documentary evidence. The spousal relationship must be shown by a marriage certificate or other documentary evidence.

(5) To entitle a spouse, child or orphan to benefit under this section the disabled member of the national guard or war veteran living or deceased must have served on state active duty, active duty for training, or inactive duty training with the national guard or during time of war or the Korean conflict or subsequent periods of federally recognized hostilities *or have been disabled by hostile fire* in the armed forces of the United States, and his discharge therefrom must have been under honorable conditions. He must be a resident or if deceased, was a resident of the commonwealth of Kentucky.

(6) No provision of this section shall serve to deny these benefits to an eligible spouse, child, or orphan, who enlists, or who fulfills a military obligation, in the armed forces of the United States and is discharged therefrom under honorable conditions; such period of time spent in the military service to be compensated by like time, beyond the age of twenty-three (23) years if required, but not in excess of the period of enrollment as set forth in subsection (1) above.

(7) The marriage of an eligible child, or orphan, shall not serve to deny full entitlement to the benefits provided in this section.

Section 8. KRS 164.820 is amended to read as follows:

(1) The government of the University of Louisville is vested in a board of trustees consisting of ten (10) competent citizens of Kentucky appointed by the governor; one (1) [non-voting] member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; and a student member who shall be the president of the student body; however, if the student body president is not a full-time student who maintains permanent residency in the commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this commonwealth as the student member. The faculty member and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring by reason of such termination shall be filled for the remainder of the respective terms in the same manner. The ten (10) citizen members of the board shall annually elect one (1) of their number to serve as chairman of the board.

(2) To facilitate transition of the University of Louisville to full status as a state institution, terms of members of the board of trustees in office on July 1, 1970, shall be terminated as of that date or as of the date their successors are appointed and qualify, and their successors shall be appointed by the governor according to the following schedule:

(a) Two (2) for one (1) year terms.

(b) Two (2) for two (2) year terms, one (1) of which shall be an alumnus or alumna of the university, selected from a list of three (3) names submitted by the alumni of the university in such manner and according to rules prescribed by the board of trustees;

(c) Three (3) for three (3) year terms.

(d) Three (3) for four (4) year terms.

(3) At the expiration of the respective terms of the citizen members of the board of trustees as prescribed in subsection (2) of this section, successors shall be appointed by the governor for terms of four (4) years each, and in making such appointments the governor shall observe the requirements relating to nominations by the alumni members. Subject to such requirements the governor shall make his appointments from the state at large so as to divide the representation upon the board as nearly equally as possible between the two (2) leading political parties in this state.

(4) Vacancies among the citizen members of the board occurring by death, resignation, removal of residence from the commonwealth or any other cause shall be filled by appointments made by the governor for the expiration of the term, subject to the qualifications set forth in subsection (3) of this section.

(5) No member of the board of trustees or of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty and student members.

(6) Subsection (2) of KRS 63.080 is hereby expressly made applicable to members of the board of trustees of the University of Louisville.

SB 291, AN ACT relating to students in public common schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) No public common school shall charge a fee, or rental, or require a student to purchase instructional

materials for enrollment, full participation or completion in any regular school program, grades kindergarten through twelve (12). Fees do not include items of personal attire, purchase or rental of musical instruments, or materials, other than instructional materials, which become the property of the pupil.

(2) Each public school district shall make an annual report to the department of education no later than August 1 for the preceding school year on a form provided by the department which specifies the amount of funds expended for consumable classroom supplemental instructional materials. The total of such expenditures shall be an amount at least equal to five dollars ($5.00) per child in average daily attendance. A copy of this report shall be maintained in the local superintendent's office for public inspection.

SB 292, AN ACT relating to public education and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) It is the intent of the general assembly by this Act to provide the means and initiate action whereby local school districts and the department of education may deal with delinquency, drug abuse, vandalism, absenteeism, truancy and other related acts of student behavior. Studies indicate that these are problems not only of local concern but of national concern. Therefore, the general assembly hereby directs the department of education and the board for elementary and secondary education to develop a program designed to deal with these problems at the local level. This program may be within an existing division or in a new division created for this purpose. In carrying out this section, personnel of the department of education and personnel of the local school districts shall work with district court judges, social welfare agencies and other appropriate state and local agencies in human resources, vocational rehabilitation and any others pertinent to this section.

(2) In order to fulfill the intent of this section and to carry out the provisions contained therein, the state board for elementary and secondary education shall cause to be developed and approved appropriate regulations.

Section 2. In order to carry out the provisions of Section 1 of this Act, there is hereby appropriated $150,000 for the 1978-79 fiscal year and $200,000 for the 1979-80 fiscal year.

SB 308, AN ACT relating to higher education assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 164.740 is amended to read as follows:

As used in KRS 164.740 to 164.764, the terms listed below shall have the following meanings:

(1) "Authority" *means* [is] the Kentucky higher education assistance authority.

(2) "Board" *means* [is] the board of directors of the Kentucky higher education assistance authority.

(3) *"Business school" means any business school which is accredited by the association of independent colleges and schools, commission for business schools, (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma* ["College" is any institution of higher learning which is accredited by the southern association of colleges and secondary schools (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma].

(4) *"College" means any institution of higher learning which is accredited by the southern association of colleges and schools, commission on colleges, (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma* ["School of nursing" is any training program in the field of nursing, including one (1) regarding nurse aides, which is accredited by the Kentucky board of nursing education and nurse registration (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma].

(5) *"Commissioner" means the United States Commissioner of Education* ["Vocational school" is any public vocational school, which is accredited by the Kentucky state board of education (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma].

(6) *"Educational institution" means any college, school of nursing, vocational school, or business school which has a contract in force with the authority pursuant to this chapter* ["Business school" is any business school which is accredited by the commission for business schools (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma].

(7) *"Eligible institution" means any educational institution including, but not by way of limitation, any college, school of nursing, vocational school, or business school determined by the commissioner to be eligible*

to participate in programs described in the federal act which has, if required by the authority, a contract in force with the authority pursuant to this chapter ["Educational institution" is any college, school of nursing, vocational school, or business school within the meaning of subsections (3), (4), (5), or (6) above].

(8) *"Eligible lender" means any entity which has in force a contract with the authority providing for loan guarantees to be issued by the authority under the federal act and this chapter* ["Loans" are advances of money evidenced by promissory notes which require full repayment with interest upon such terms and conditions as the board may prescribe].

(9) *"Federal act" means the higher education act of 1965 (Public Law 89-329), as amended* ["Grants" are gifts of money, tuition discounts, waivers of tuition and fees or other monetary awards that require neither repayment nor employment and are based on demonstrated financial need and such other terms and conditions as the board may prescribe].

(10) *"Grant" means a gift of money, tuition discount, waiver of tuition and fees or other monetary award that requires neither repayment nor employment and is based on demonstrated financial need and such other terms and conditions as the board may prescribe* ["Scholarships" are gifts of money based on financial need and superior academic ability or achievement or a special talent and such other terms and conditions as the board may prescribe].

(11) "Honorary *scholarship* [scholarships]" *means a certificate* [are certificates] of merit or achievement or other appropriate *document* [documents] which may be issued by the board to students in recognition of superior academic ability or achievement or a special talent.

(12) *"Insured student loan" means an obligation representing advances of money to a qualified student evidenced by one (1) or more promissory notes, the payment of principal of and interest on which is insured as evidenced by a loan guarantee issued by the authority and reinsured by the commissioner to the extent of not less than eighty percent (80%) of the principal amount thereof under the federal act* ["Work study" is an award of money disbursed by the board at specified intervals to students who provide needed services to an eligible institution for a specified number of hours in a capacity approved by the board].

(13) *"Loan guarantee" means the certificate, document or endorsement issued by the authority as evidence of insurance by the authority of a loan as to both principal and interest and of reinsurance by the commissioner to the extent of not less than eighty percent (80%) of the principal amount thereof under the federal act* ["Eligible institution" is any Kentucky educational institution within the meaning of subsection (7) above which has executed an agreement with the board pursuant to KRS 164.748(5)].

(14) *"Qualified student" means a student (a) who qualifies for an insured student loan, (b) who is a resident of the Commonwealth of Kentucky or who has been accepted for enrollment at or is attending an eligible institution within the Commonwealth of Kentucky and is not planning to enroll or is not enrolled in a course of study leading to a certificate, diploma, or degree in theology, divinity or religious education* ["Loan guarantees" are pledges of funds appropriated or otherwise made available to the board to approved private lenders under the terms and conditions of KRS 164.749(3)].

(15) "Scholarship" means a gift of money based on financial need and superior academic ability or achievement or a special talent and such other terms and conditions as the board may prescribe.

(16) "School of nursing" means any training program in the field of nursing, including one regarding nurse aides, which is accredited by the Kentucky board of nursing education and nurse registration (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(17) "Vocational school" means any public vocational school which is accredited by the Kentucky state board for occupational education (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma or a vocational technical school accredited by the National association of trade and technical schools.

(18) "Work study" means an award of money disbursed by the board at specified intervals to students, or as reimbursement to employers of students, who provide needed services for a specified number of hours in a capacity approved by the board.

Section 2. KRS 164.742 is amended to read as follows:

There is hereby established a body corporate and politic constituting a public corporation and governmental agency and instrumentality of the commonwealth by the name of the "Kentucky higher education assistance authority". *The general assembly of the Commonwealth of Kentucky hereby finds and determines that in carrying out its functions, powers and duties as prescribed in this chapter, the authority will be performing vital public purposes in improving and promoting the public welfare and prosperity of the people of the Commonwealth of Kentucky by promoting the availability of higher educational opportunities.*

Section 3. KRS 164.744 is amended to read as follows:

The purpose of the Kentucky higher education assistance authority shall be to improve the higher education opportunities of persons [who are residents of Kentucky and] who are attending or planning to attend eligible institutions [in Kentucky]. *Pursuant to rules and regulations which may be adopted by the* *board which are not inconsistent with the federal act, the authority may:*

(1) Insure loans to students who are residents of Kentucky for the purpose of enabling such students to pursue courses of study at eligible institutions, and to students who are non-residents to attend eligible institutions in the Commonwealth, but such insurance shall be provided only if such loans meet the criteria of the federal act and are the subject of agreements with the commissioner, pursuant to the federal act and where the subject eligible lender has entered into an appropriate contract with the authority; and,

(2) Provide from funds available to it loans, grants, scholarships, and work-study awards to persons who are residents of Kentucky to enable such persons to pursue an eligible course of study at a business school, college, school of nursing or vocational school located in the Commonwealth, and, if required by the federal act, to such persons attending such nonprofit institutions as may be approved by the board.

Such purpose is hereby declared to be a public purpose for which public money may be spent.

Section 4. KRS 164.746 is amended to read as follows:

(1) The authority shall be governed and all of its powers, duties, and functions exercised by a board of directors. The board shall consist of seven (7) voting members who shall be appointed by the governor. In addition, the executive director of the council on [public] higher education and the *secretary* [commissioner] of the executive department for finance and administration shall serve as non-voting ex officio members. The term of office of appointed members shall be four (4) years. Each member shall serve for the term for which he is appointed and until his successor is appointed.

(2) Appointments to fill vacancies on the board shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpired portion of the term only.

(3) The board shall elect from its voting membership a chairman and chairman-elect who shall each serve for a term of two (2) years. At the conclusion of the chairman's term of office, the chairman-elect shall become chairman for the succeeding two (2) years and the board shall elect from its voting membership a new chairman-elect.

(4) Board members shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties under KRS 164.740 to 164.764.

(5) The board shall provide for the holding of regular [quarterly] meetings and special meetings. A majority of the *voting* members shall constitute a quorum for the transaction of any business, provided, however, that the meeting must be called by the chairman ten (10) days prior to the meeting date and either the chairman or the chairman-elect must be present for the transaction of any business.

(6) The board shall adopt rules and regulations, not inconsistent with law, governing the conduct of the authority and may appoint such officers and employes as necessary and may fix their compensation, and shall prescribe their duties; Provided, however, that the responsibility for the management of all funds shall be vested in the executive department for finance and administration.

Section 5. KRS 164.748 is amended to read as follows:

The board shall have the following powers, functions, and duties:

(1) To provide loan guarantees, upon such terms and conditions as the board may prescribe within the limitations provided by KRS 164.740 to 164.764, *and the federal act in respect of loans to qualified students* [to individuals who are residents of Kentucky and who are attending or planning to attend an eligible institution]. The board may require such additional security, including *endorsers* [cosigners or other reasonable collateral securities,] as it deems necessary and desirable *and is not in contravention of the federal act.* The purpose of such loans shall be to assist such individuals in meeting the expense of their education.

(2) *To enter into agreements and undertakings with the commissioner as may be required and necessary pursuant to the federal act in order to constitute the authority as a state agency qualified and empowered to insure student loans within the meaning of the federal act and to qualify such insured student loans for interest payments, reimbursement, reinsurance and other benefits as may be available under the federal act to the authority* [To procure a policy or policies of group life insurance or other insurance to insure the repayment of loans guaranteed by the authority in the event of death or total and permanent disability or other nonpayment of any individual for whom a loan is guaranteed by the provisions of KRS 164.740 to 164.764].

(3) *To issue loan guarantees in respect of loans made to qualified students by eligible lenders, including the authority, provided, however, that no qualified student shall obtain an insured student loan from more than one (1) eligible lender without prior approval by the board and provided, further, that no loan guarantee shall be issued, executed and delivered by the authority unless any insured student loan so resulting shall be the subject of agreements pursuant to the federal act whereby the insured student loan is made the subject of interest payments, reimbursements, reinsurance and other benefits to the extent provided by the federal act.*

(4) To adopt rules and regulations *pertaining to insured student loans, loan guarantees,* [governing the making of] loans and work-study payments and the awarding of grants, [monetary] scholarships and honorary scholarships, as provided in *this Act* [KRS 164.740 to 164.764].

(5) [(4)] To enter into contracts with *eligible lenders* [financial institutions], approved by the state to lend moneys, upon such terms and conditions as may be agreed upon between the authority and the *eligible lender* [financial institution], to provide for the administration of student financial assistance programs, *including, but not by way of limitation, the authority's program of insured student loans* [operated by the board].

(6) [(5)] To enter into contracts with *eligible* [Kentucky educational] institutions, upon such terms and conditions as may be agreed upon between the authority and the *eligible* [educational] institution, to provide for the administration of student financial assistance programs, *including, but not by way of limitation, the authority's program of insured student loan* [operated by the board].

(7) [(6)] To receive funds from any source, public or private, by gift, grant, bequest, loan, or otherwise, either absolutely or in trust, and to expend the same, on behalf of the authority and for any of its purposes; and to acquire from any source, public or private, by purchase, lease, gift, bequest, or devise, any property, real, personal or mixed, absolutely or in trust, and to hold, administer, and dispose of the same, on behalf of the authority and for any of its purposes; Provided, however, That the authority shall have no *legal right* [authority] to make its debts payable out of any funds except those of the authority.

(8) [(7)] To administer federal funds allotted to the state *in respect of insured student loans, loan guarantees, loans, work-study, grants, administrative costs and related matters* [; Provided, however, That the authority has been designated as the agency to administer such funds].

(9) [(8)] To sue and be sued in the name of the authority *and to plead and be impleaded.*

(10) [(9)] To collect from individual borrowers *insured student* loans *on* [which were guaranteed by the authority and regarding] which the authority has been compelled to meet its *loan* guarantee obligations following the inability of *the eligible lender* [lending institution] involved to collect such *insured student* loans.

(11) [(10)] To gather information on all loans, scholarships, honorary scholarships, grants and work-study opportunities available to Kentucky residents attending or planning to attend an eligible institution and to disseminate such information through such methods of mass communication as may be necessary to *ensure* [insure] that Kentucky residents are aware of financial resources available to those attending or desiring to attend an eligible institution.

(12) [(11)] To request *such* reports from each *educational institution,* eligible institution, *or eligible lender as* it deems necessary for the effective performance of its duties and to publish such information as it deems necessary.

(13) [(12)] To approve, *disapprove, limit, suspend or terminate the eligibility of* educational institutions, *eligible institutions, or eligible lenders to participate in programs administered by the board, subject, however, to the provisions of the federal act and this chapter* [in which students may enroll and receive assistance under KRS 164.740 to 164.764].

(14) [(13)] To perform such other acts as may be necessary or appropriate to carry out effectively the purposes of the authority as provided by *this Act* [KRS 164.740 to 164.764].

(15) [(14)] If *any* [a] conflict exists between KRS 164.740 to 164.764 and *the* federal *act, which conflict would result in a loss by the authority of any federal funds, including, but not by way of limitation, federal funds made available to the authority under the federal act, including interest payments and reimbursement for insured student loans in default, the board is authorized and empowered to adopt rules, regulations and policies consistent with the federal act not in derogation, however, with the constitution and general laws of the Commonwealth* [legislation, causing a loss of federal funds, the board is authorized to establish policies consistent with the applicable federal legislation; any procedures established by general statute for resolving cases of conflict, when such conflict causes a loss of federal funds, shall apply].

(16) Except where specifically prohibited by law the authority may secure data from any other Commonwealth of Kentucky agency or instrumentality or from any other source for purposes of verifying information submitted by any student and any student's parents, or others in loco parentis, in applying for or receiving assistance from any program administered by the authority.

SECTION 6. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) In the instance of loans the rules and regulations adopted by the board may include, but not be limited to, those which:

(a) Are necessary to qualify the authority as an insured lender under the higher education act of 1965, as amended;

(b) Require that loans be made only to those qualified students who are unable to secure comparable loans from private lenders; and

(c) Are necessary to qualify the authority as a lender under the public health service act, as amended.

(2) In the instance of insured student loans and loan quarantees the rules and regulations adopted by the board shall include, but not be limited to, those which are necessary to qualify the authority to insure loans under the higher education act of 1965, as amended, and following such qualification to issue loan guarantees to eligible lenders on any loans advanced by such lenders to qualified students attending or planning to attend

any eligible institution, except that the total amount of all insured student loans that may be guaranteed by the authority shall not at any time exceed fifteen (15) times the loan guarantee fund balance. In determining the total amount of insured student loans that may be guaranteed by the authority there shall be excluded from the computation of required loan guarantee fund balances eighty percent (80%) of the amount of insured student loans which are reinsured with the United States or any agency thereof pursuant to the federal act.

(3) In the instance of scholarships the rules and regulations adopted by the board shall include, but not be limited to, those which:

(a) Specify ways in which superior academic achievement or ability or special talents will be identified and measured;

(b) Ensure that the amount of scholarship to a student attending or planning to attend an educational institution will not exceed the financial need of the student as determined in accordance with paragraph (f) of this subsection, or the maximum scholarship as established by the board, whichever is less;

(c) Restrict scholarships to persons who are classified as resident students under the rules and regulations of the council on higher education and are not planning to enroll or are not enrolled in a course of study leading to a certificate, diploma or degree in theology, divinity or religious education; and

(d) Ensure that scholarships are awarded only to eligible students who have applied for such federal, state or institutional student financial assistance programs as the authority may require; and

(e) Ensure that scholarships are awarded only to eligible students who are planning to enroll, accepted for enrollment, or are enrolled as full-time students in an educational institution; and,

(f) Ensure, by such needs and analysis as the authority may require, that the person is in need of the assistance in order to enroll in or complete an eligible course of study as defined by the board.

(4) In the instance of grants the rules and regulations adopted by the board shall include, but not be limited to, those which:

(a) Ensure that the amount of a grant to a student will not exceed the financial need of the student as determined in accordance with paragraph (f) of this subsection or the maximum grant as established by the board, whichever is less;

(b) Ensure that grants be first offered to those students whose parents or others in loco parentis have the least ability to provide monetary assistance and thereafter in the order of the ability of the parents or others in loco parentis to provide monetary assistance proceeding from those with the least ability to provide monetary assistance to those with the greatest ability to provide monetary assistance until funds are exhausted;

(c) Restrict grants to persons who are classified as resident students under the rules and regulations of the council on higher education and are not planning to enroll or are not enrolled in a course of study leading to a certificate, diploma or degree in theology, divinity or religious education; and

(d) Ensure that grants are awarded only to eligible students who have applied for such federal, state, or institutional student financial assistance programs as the authority may require;

(e) Ensure that grants awarded only to eligible students who are planning to enroll, accepted for enrollment, or are enrolled as full-time students in an educational institution; and,

(f) Ensure, by such needs analysis as the authority may require, that the student is in need of the assistance in order to enroll in or complete an eligible course of study as defined by the board.

(5) Funds appropriated to the financial assistance program established by KRS 164.780 and 164.785 shall be administered by the board in accordance with the provisions of KRS 164.780 and 164.785.

(6) In the instance of work-study payments rules and regulations adopted by the board shall include, but not be limited to, those which require that:

(a) The student be eligible under the provisions of title I, part C, of the economic opportunity act of 1964, as amended;

(b) The educational institution have an eligible employment opportunity available for the student and that the opportunity will not interfere with the student's normal progress toward a degree, diploma or certificate;

(c) That the employment of the student will not result in the displacement of employed workers or impair existing contracts for services; and

(d) The work-study payment will not exceed the financial need of the student or the maximum payment as established by the board, whichever is less.

Section 7. KRS 164.754 is amended to read as follows:

[(1)] There are hereby created, *but not by way of limitation,* [in the state treasury] for the purpose of carrying out the purposes of KRS 164.740 to 164.764 the following special funds:

(1) [(a)] A "scholarship fund" to which shall be credited all funds appropriated by the general assembly to the authority for scholarships, and all funds received from all other sources for such purposes. All general funds appropriated to this account shall become a part of this [revolving] account, and shall not lapse.

(2) [(b)] A "loan guarantee fund" account to which shall be credited all funds *legally available* [appropriated by the general assembly] to the authority *and determined by the authority to be applied* for the purpose of guaranteeing loans to qualified students *together with* [, and] all funds obtained from all other sources for such purposes. *Such fund* [This fund shall be a revolving account, and shall not lapse. These funds] may be invested as provided by law for the investment of Kentucky public employe retirement system funds *and shall be assigned in trust to a corporate trustee for the security of the holders of insured student loans; provided, however, that income derived from investment of such fund shall be returned to the authority for deposit to the "administration" account of the authority.* [At any time the ratio of the aggregate total of loans made to students under KRS 164.740 to 164.764 to the amount in the loan guarantee funds becomes less than fifteen (15) to one (1), the board shall transfer a sufficient amount of funds to the state general fund appropriation to bring the ratio up to that sum; Provided, however, That the funds transferred shall not exceed the amount appropriated by the general assembly for the guarantee of loans.]

(3) [(c)] An "administration" account to which shall be credited all funds appropriated by the general assembly to the authority for administration and all *other* funds [received from loan funds] authorized for administrative costs. The authority *may* [shall] transfer from this account to the loan fund, grant fund or work-study fund any amounts accruing in this account not needed to cover the reasonable and necessary administrative expenses of the authority.

(4) [(d)] A "loan fund" to which shall be credited all funds appropriated by the general assembly for loans and all funds received from all other sources for such purposes. All general funds appropriated to this account shall become a part of this revolving account and shall not lapse. These funds may be invested as provided for the investment of Kentucky public employe retirement system funds *or transferred to the loan guarantee fund.* Interest income and other income from loans or other investments shall be transferred to the "administration" account of the authority.

(5) [(e)] A "grant fund" to which shall be credited all funds appropriated by the general assembly for grants and all funds received from all other sources for such purposes.

(6) [(f)] A "work-study fund" to which shall be credited all funds appropriated by the general assembly for work-study payments and all funds received from all other sources for such purposes.

[(2) The only expenditures to be made from the loan fund shall be for loans; the only expenditures authorized to be made from the scholarship fund shall be for scholarships; the only expenditures authorized to be made from the loan guarantee fund shall be for the payment of default accounts and insurance on borrowers; the only expenditures to be made from the grant fund shall be for grants; the only expenditure to be made from the work-study fund shall be for payments to students.]

Section 8. KRS 164.749, Rules and regulations governing loans, loan guarantees, grants, scholarships, and work-study programs, is repealed.

SB 312, AN ACT relating to the education foundation program.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.320 is amended to read as follows:

As used in KRS 157.310 to 157.440, unless the context otherwise requires:

(1) "Average daily attendance" means the aggregate days attended by pupils in a public school, divided by the actual number of days the school is in session [for the year];

[(2) "Average daily membership" means the aggregate days of membership of pupils in a public school divided by the actual number of days the school is in session for the year;]

(2) [(3)] "Board" means the board of education of any county or independent school district;

(3) [(4)] "Classroom unit" means the unit for measuring educational needs for foundation program purposes;

(4) [(5)] "District" means any school district as defined by law;

(5) [(6)] "Elementary school" means a school consisting of grades kindergarten through eight, or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board;

(6) [(7)] "Foundation program" means the level of educational services and facilities, as defined in KRS 157.310 to 157.440, which is to be provided in each district from [the required local tax effort and] the public school foundation program fund;

(7) [(8)] "Isolated school" means an elementary or secondary school which had fewer than one hundred pupils in average daily attendance during the previous school year and which meets such standards for isolation as shall be prescribed by the regulations of the state board *for elementary and secondary* [of] education, based on factors to include distance by the nearest passable road from another appropriate school

center which is able to receive the pupils, and the time for transportation necessary to attend another school;

(8) [(9)] "Public school foundation program fund" means the fund created by KRS 157.330 for use in financing education in public elementary and secondary schools;

(9) [(10)] "Kentucky administrative regulations of the state board *for elementary and secondary* [of] education" means those regulations which the state board *for elementary and secondary* [of] education may adopt upon the recommendation and with the advice of the superintendent of public instruction. The superintendent of public instruction shall recommend for adoption *by* [of] the state board *for elementary and secondary* [of] education such rules and regulations as he deems necessary for carrying out the purposes of KRS 157.310 to 157.440;

(10) "Salary schedule summary" means the summary of all salaries paid teachers by the board from the single salary schedule. Teachers shall be grouped by training and experience and by source of funds.

(11) "Secondary school" means a school consisting of grades seven through twelve, or any appropriate combination of grades within this range as determined by the plan of organization for schools authorized by the district board. When grades seven through nine or ten are organized separately as a junior high school, or grades ten through twelve are organized separately as a senior high school and are conducted in separate school plant facilities, each shall be considered a separate secondary school for the purposes of KRS 157.310 to 157.440;

(12) "Single salary schedule" means a schedule adopted by a local board *from which all teachers are paid for one hundred eighty-five (185) days and* [and approved by the state board of education upon recommendation of the superintendent of public instruction which] is based on training *and* [,] experience [and such other factors as the state board of education may approve] and which does not discriminate between salaries paid elementary and secondary teachers;

(13) "Teacher" means any regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, director of pupil personnel, or other member of the teaching or professional staff engaged in the service of the public elementary and secondary school for whom certification is required as a condition of employment.

(14) "Percentage of attendance" means the aggregate days attended by pupils in a public school for the school year divided by the aggregate days membership of pupils in a public school for the school year.

Section 2. KRS 157.350 is amended to read as follows:

Each district which meets the following requirements shall be eligible to share in the distribution of funds from the public school foundation program funds:

(1) Employs and compensates all teachers for not less than one hundred eighty-five (185) days, Provided, That the state board *for elementary and secondary* [of] education, upon recommendation of the superintendent of public instruction, shall prescribe procedures whereby this requirement may be reduced during any year for any district which employs teachers for less than one hundred and eighty-five (185) days, in which case the eligibility of a district for participation in the public school foundation program *fund* shall be in proportion to the length of time teachers actually are employed;

(2) Operates all schools for a term as provided in KRS 158.070 and regulations of the state board *for elementary and secondary* [of] education, Provided, however, That if the school term is less than one hundred eighty-five (185) days for any reason *not* approved by the state board *for elementary and secondary* [of] education on recommendation of the superintendent of public instruction the eligibility of a district for participation in the public school foundation program fund shall be in proportion to the length of term the schools actually operate;

(3) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of KRS 157.310 to 157.440;

(4) Includes no nonresident pupils in its average daily attendance, except by written agreement with the district of the pupils' legal residence.

(5) Any secondary school which maintains a basketball team for boys for other than intramural purposes, shall maintain the same for girls.

(6) Any school district which fails to comply with subsection (6) shall be prohibited from participating in varsity competition in any sport for one (1) year. Determination of failure to comply shall be made by the department of education after a hearing requested by any person within the school district. A district under this subsection shall, at such hearing, have an opportunity to show inability to comply.

Section 3. KRS 157.360 is amended to read as follows:

(1) In determining the cost of the foundation program for each district, the superintendent of public instruction shall allot to each district classroom units for elementary and secondary schools, classroom units for vocational education, classroom units for exceptional children, *classroom units for kindergarten,* classroom units for superintendents, [principals and their certificated assistants and other] administrative and special instructional *services* [service personnel], classroom units for supervisors of instruction, and classroom units

for directors of pupil personnel; provided, however, that the number of classroom units allotted any district shall not exceed the number of teachers employed by the district.

(2) In allotting classroom units for elementary and secondary schools, one (1) classroom unit shall be included for each twenty-seven (27) pupils in average daily attendance in grades one (1) through twelve (12); provided, however, that one (1) classroom unit shall be included for each isolated one-teacher school *with twelve (12) or more pupils in average daily attendance* and one (1) unit shall be included for each twenty-five (25) pupils in average daily attendance at all other isolated schools. *The allotments of classroom units in this subsection shall be made on the average daily attendance for the end of the previous school year in public school grades one (1) through twelve (12) after the following deductions; (a) an average daily attendance of six and nine-tenths (6.9) in 1978-79 and eight and four-tenths (8.4) in 1979-80 shall be deducted for each vocational unit allotted and (b) an average daily attendance of five and one-tenth (5.1) in 1978-79 and six and three-tenths (6.3) in 1979-80 shall be deducted for each exceptional children's unit allotted. If a local school district through its admission and release committee determines that the most appropriate and least restrictive individual educational program for a particular handicapped child includes either part-time or full-time enrollment with a private school or agency, then the school district shall count this as average daily attendance in a public school the time that such child is in attendance at such private school or agency.*

(3) [Under the provisions of subsections (5) and (6) of this section, the average daily attendance, as defined in KRS 157.320(1), shall be deducted for pupils enrolled in new classroom units allotted after July 1, 1974; provided, however, no deduction shall be made for pupils attending state vocational-technical schools or state-operated vocational education centers. For the purpose of this subsection, a new classroom unit shall be defined as any additional vocational or exceptional children unit contained in the biennial budget above the allotment from the previous biennial budget for 1973-74. Any average daily attendance deducted under this subsection shall be in accordance with Kentucky administrative regulations of the state board of education as recommended by the superintendent of public instruction.

(4)] Allotments of classroom units *except those allotted* in accordance with subsection *(4)* [(1)] of this section, shall be *increased when* [made on the average daily attendance in grades 1 through 12 for the previous school year; provided, however, that if] the average daily attendance in grades one (1) through twleve (12) in any district for the first two (2) months of the current school year is greater than the average daily attendance of the district *in grades one (1) through twelve (12)* for the first two (2) months of the previous school year. [, upon application of the district board, made prior to December 1,] The total number of classroom units allotted the district shall be increased by the percent of increase. [If the average daily attendance of any district shall have been reduced more than three percent during the previous school year due to such factors as epidemics, inclement weather, or disaster, upon application of the district superintendent, made before July 1 of that year,]

(4) If the percentage of attendance of any school district shall have been reduced more than two percent (2%) during the previous school year, the number of classroom units allotted the district, *except those allotted in accordance with subsection (3) of this section,* for the *current* [ensuing] school year shall be increased by the difference in *the percentage of attendance for the two (2) years immediately prior to the current school year less two percent (2%)* [percent between the ratio of the average daily attendance to the average daily membership for the scholastic year just ended, and the ratio of the average daily attendance to the average daily membership for the two (2) highest of the three (3) preceding scholastic years].

(5) In allotting classroom units for vocational education, one classroom unit shall be allotted for each full-time teacher, and a proportionate fraction of a classroom unit shall be allotted for each less than full-time teacher of vocational classes that meet the regulations of the state plan of vocational education as approved by the state *board for occupational* [board of] education; a proportionate fraction of a classroom unit shall be allotted for each teacher employed to teach part-time or short unit classes for less than a school day or a school year that meet the regulations of the state plan of vocational education as approved by the state *board for occupational education* [board of education]. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

(6) In allotting classroom units for exceptional children, one classroom unit shall be included upon the employment of each teacher approved to teach such children in accordance with the provisions of law and Kentucky administrative regulations of the state board *for elementary and secondary* [of] education. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

(7)*(a)* In allotting classroom units for [superintendents, principals, their certificated assistants, and other] administrative and special instructional *services* [service personnel], the total number of classroom units allotted in subsections (2) [, (5), (6)] and (10) *plus subsections (5) and (6) before July 1, 1976* shall be divided by eight (8) and the quotient shall be the number of classroom units allotted to the district *under this subsection.* [for superintendents, principals, their certificated assistants and other administrative and special instructional service personnel as are authorized by Kentucky administrative regulations of the state board of education. Provided, however, that in allotting classroom units for superintendents, principals, their certificated assistants, and other administrative and special instructional service personnel,]

(b) The total number of *units allotted under subsection* [pupils in average daily attendance pursuant to subsections] (5) [and (6), for new classroom units approved] beyond those allotted in the school year 1975-76 *times six and nine-tenths (6.9) in 1978-79 and eight and four-tenths (8.4) in 1979-80 average daily attendance plus the total number of units allotted under subsection (6) beyond those allotted in the school year 1975-76 times five and one-tenth (5.1) in 1978-79 and six and three-tenths (6.3) in 1979-80 average daily attendance* shall be divided by two hundred and sixteen (216) and the quotient shall be the number of classroom units allotted to the district *under this subsection* [for superintendents, principals, their certificated assistants, and other administrative and special instructional service personnel pursuant to subsections (5) and (6)].

(c) The total of subsection (a) plus subsection (b) shall be the number of classroom units allotted the district for administrative and special instructional services as authorized by Kentucky administrative regulations of the state board for elementary and secondary education.

(8) In allotting classroom units for supervisors of instruction, one-half (1/2) of a classroom unit shall be allotted each district which is allotted twenty-five (25) through forty-nine and nine-tenths (49.9) classroom units under subsections (2), (5), (6) and (10); one (1) unit shall be allotted eah district which is allotted fifty (50) to one hundred (100) classroom units, one unit shall be allotted for each one hundred (100) classroom units, or major fraction thereof, in districts allotted more than one hundred (100) classroom units under these subsections.

(9) In allotting classroom units for directors of pupil personnel, one (1) classroom unit shall be allotted each district which is allotted thirty-six (36) to one hundred and sixty-five and nine-tenths (165.9) classroom units under subsection (2) and a unit for each additional two hundred and sixty-six (266) classroom units or fraction thereof allotted under subsection (2). For districts having fewer than thirty-six (36) classroom units, a proportionate fraction of a classroom unit shall be allotted.

(10) In allotting classroom units for kindergarten, the superintendent of public instruction, under Kentucky administrative regulations of the state board *for elementary and secondary* [of] education, may allot units for kindergarten. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

(11) In allotting classroom units *for superintendent, one unit shall be allotted each school district* [under subsections (1) through (10) the superintendent of public instruction, under Kentucky administrative regulations of the state board of education, may allot units on the basis of an area larger than a district for educational services which cannot be adequately and economically provided on a district basis].

Section 4. KRS 157.390 is amended to read as follows:

(1)(a) The superintendent of public instruction, under Kentucky administrative regulations of the state board *for elementary and secondary* [of] education, shall classify teachers in rank as follows:

Rank I. Those holding regular certificates and who have a master's degree *in a subject field approved by the state board for elementary and secondary education* or [its] equivalent *preparation* and who have earned thirty (30) semester hours of approved graduate work or its equivalent, and those teachers who, as of September 1, 1962, were included in Rank I, having earned twenty-four (24) semester hours of additional approved graduate work.

Rank II. Those holding regular certificates and who have a master's degree *in a subject field approved by the state board for elementary and secondary education* or [its] equivalent *preparation.*

Rank III. Those holding regular certificates and who have an approved four-year college degree or the equivalent.

Rank IV. Those holding certificates and who have ninety-six (96) to one hundred twenty-eight (128) semester hours of approved college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank for calculation of the amount to be included in the foundation program.

Rank V. Those holding certificates and who have sixty-four (64) to ninety-five (95) semester hours of approved college training or the equivalent.

(b) In determining ranks, the superintendent of public instruction, under Kentucky administrative regulations of the state board *for elementary and secondary* [of] education, shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit. The superintendent of public instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(2)(a) The amount to be included in each school year in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the biennial budget schedule for each rank and experience for a term of one hundred eighty-five (185) days. Provided, the amount to be included for units allotted under KRS 157.360(5), (7), (8), [and] (9) *and (11)* shall be increased proportionately if the personnel for such units are employed for longer than the regular school term and such employment is approved by the superintendent of public instruction under Kentucky administrative regulations of the *appropriate* state board [of education]. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of KRS 157.310 to 157.440, the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

(b) The state board *for elementary and secondary* [of] education with the recommendation of the superintendent of public instruction, may designate local school districts as experimental districts for the utilization *as classroom units* [of] para-professionals and teacher aides *under KRS 157.360(2)* [including the utilization of para-professionals and teacher aides for exceptional children]. In experimental districts, foundation program fund calculations shall include, with respect to one or more schools in the district, an amount for para-professionals and teacher aides. This amount may be equal to *a maximum of* fifty percent (50%) of the amount included for a teacher in Rank III with no experience *but may not exceed the salary paid the para-professional or teacher aid,* multiplied by the number of approved para-professionals and teacher aides employed in the designated school or schools.

(c) Such amounts may be included only for those who are not in sole and principal charge of a class. No district may receive foundation program funds for such number of para-professionals and teacher aides referred to in paragraph (b) of this subsection as exceeds one-half (1/2) the number of certificated teachers in the designated school or schools.

(d) In the calculation of classroom units for the purpose of allocation of teachers' salaries only, the state board *for elementary and secondary* [of] education may use a ratio greater than twenty-seven (27) to one (1) for such calculations regarding the experimental districts designated pursuant to paragraph (b) of this subsection.

(3) The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by the amounts set forth in the biennial budget.

(4) The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units by the amounts set forth in the biennial budget.

(5) The amount to be included in the foundation program of each district for transportation shall be determined by multiplying the aggregate attendance of transported children by the allowable cost per pupil per day for that district determined in accordance with the provisions of KRS 157.370.

(6) The total *amount of money distributable to* [cost of the foundation program for] each district *from the public school foundation program fund* shall be the sum of the allotments in subsections (2), (3), (4) and (5) of this section.

Section 5. KRS 157.420 is amended to read as follows:

Public school foundation program funds made available to the credit of each district during any year, shall be received, held and expended by the district board, subject to the provisions of law and Kentucky administrative regulations of the state board *for elementary and secondary* [of] education. The following restrictions shall govern the expenditure of funds from the public school foundation program fund:

(1) The teachers' salaries allotment for each district from the public school foundation program fund and from local sources shall be used only for teachers holding properly authorized certificates. The average salary paid any rank of teachers shall be at least equivalent to the amount set forth in the biennial budget schedule for each rank and experience for a term of one hundred eighty-five (185) days *and* [.] no teacher shall be paid less than ninety-three percent (93%) of the public school foundation program fund allotment for that rank for full-time service during the regular school year *or the allotment under KRS 157.390(2) shall be reduced by an amount equal to the amount by which the district failed to meet the salary requirements.* [This paragraph shall not apply to noncertificated personnel in experimental districts designated pursuant to paragraph (b) of subsection (2) of KRS 157.390.]

(2) The state board *for elementary and secondary* [of] education shall not approve any working budget or salary schedule *summary* for local boards of education for any school year in which the total amount *for one hundred eighty-five (185) days on the salary schedule summary* [budgeted] for *foundation program instructional* [teachers'] salaries is not equal to *(a) the* [an] amount *for one hundred eighty-five (185) days on* [required to maintain] the district's salary schedule *summary for foundation program instructional salaries* [of] the preceding year plus *(b)* the additional amount for *instructional* [teachers'] salaries *to be received by the district under the biennial budget schedule for a one hundred eighty-five (185) day school term by assuming the same classroom units and rank and experience of teachers in the current year as in the preceding year* [received by the district].

(3) The capital outlay allotment for each district from the public school foundation program fund and from local sources shall be kept in a separate fund and may be used by the district only for capital outlay projects approved by the superintendent of public instruction in accordance with requirements of law, and based on a survey made in accordance with Kentucky administrative regulations of the state board *for elementary and secondary* [of] education. These funds shall be used for the following capital outlay purposes:

(a) For direct payment of construction costs;

(b) For debt service on voted and funding bonds;

(c) For payment or lease-rental agreements under which the board eventually will acquire ownership of a school plant;

(d) For the retirement of any deficit resulting from over-expenditure for capital construction, if such deficit resulted from an emergency declared by the state board *for elementary and secondary* [of] education under KRS 160.550;

(e) As a reserve fund for the above-named purposes, to be carried forward in ensuing budgets; provided, however, if any district has a special levy for capital outlay or debt service that is equal to the capital outlay allotment or a proportionate fraction thereof, and spends the proceeds of that levy for the above-named purposes, the superintendent of public instruction under Kentucky administrative regulations of the state board *for elementary and secondary* [of] education, may authorize the district to use all or a proportionate fraction of its capital outlay allotment for current expenses.

(4) If a survey shows that a school district has no capital outlay needs as shown in paragraphs (a), (b), (c), and (d) of subsection (3) of this section, upon approval of the superintendent of public instruction, these funds may be used for school plant maintenance, repair, insurance on buildings, replacement of equipment and purchase of school buses.

Section 6. KRS 157.430 is amended to read as follows:

If, when the apportionments are being determined under the provisions of KRS 157.310 to 157.440, funds appropriated by the general assembly to the public school foundation program fund [plus that portion of the funds required from local tax effort] are insufficient to provide the amount of money required under *subsection (6) of KRS 157.390* [subsections (1), (2), (3), and (4) of KRS 157.400], the superintendent of public instruction shall make a percentage reduction in the allotments to reduce the total of these allotments to funds available.

Section 7. KRS 157.440 is amended to read as follows:

(1) *A* [In addition to the local tax effort required by KRS 157.380 and 157A.100, for participation in the equalization account of the public school foundation program fund, such districts or any other] district may exceed the maximum provided by subsection (2) of KRS 160.470 provided that, upon request of the board of education of the district, the county board of elections shall submit to the qualified voters of the district, in the manner of submitting and voting as prescribed in paragraph (b) of subsection (1) of KRS 160.477, the question whether a rate which would produce revenues in excess of the maximum provided by subsection (2) of KRS 160.470 shall be levied. If a majority of those voting on the question favor the increased rate, the tax levying authority shall, when the next tax rate for the district is fixed, levy a rate not to exceed the rate authorized by the voters.

(2) For the 1966 tax year and for all subsequent years for levies which were approved prior to December 8, 1965, no district board of education shall levy a tax at a rate under the provisions of this section which exceeds the compensating tax rate as defined in KRS 132.010, except as provided in subsection (3) of this section and except that a rate which has been approved by the voters under this section but which was not levied by the district board of education in 1965 may be levied after it has been reduced to the compensating tax rate as defined in KRS 132.010, and except that in any school district where the rate levied in 1965 was less than the maximum rate which had been approved by the voters, the compensating tax rate shall be computed and may be levied as though the maximum approved rate had been levied in 1965 and the amount of revenue which would have been produced from such maximum levy had been derived therefrom.

(3) Notwithstanding the limitations contained in subsection (2) of this section no tax rate shall be set lower than that necessary to provide such funds as are required to meet principal and interest payments on outstanding bonded indebtedness and payments of rentals in connection with any outstanding school revenue bonds issued under the provisions of KRS chapter 162.

(4) The superintendent of public instruction shall certify the compensating tax rate to the levying authorities.

SECTION 8. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

There is hereby established a public common school district intellectually gifted or talented children program fund consisting of appropriations for distribution to school districts for pilot programs approved by the superintendent of public instruction in accordance with regulations adopted by the state board for elementary and secondary education.

Section 9. KRS 157.400, Procedure for determining amount distributable to each district from foundation program fund, is repealed.

The Committee Amendment to **SB 312** is as follows:

Amend printed copy of Senate Bill 312, page 15, by inserting after line 2 the following:

"*(c) Nothing in this subsection shall allow the state board for elementary and secondary education by regulation to reclassify downward any teachers currently in Ranks I or II.*"

SB 339, AN ACT relating to the purchase of liability insurance by institutions of higher education for the protection of the members of their governing boards, faculty, and staff.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:
The governing boards of each state institution of higher education are authorized to purchase liability insurance for the protection of the individual members of the governing boards, faculty, and staff of such institutions from liability for acts and omissions committed in the course and scope of the individual's employment or service. Each institution may purchase the type and amount of liability coverage deemed to best serve the interest of such institution.

The Committee on Elections and Constitutional Amendments reported **HB 120, HB 149, HB 315, HB 387, HB 705, SB 350,** and **SCR 34** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 120, AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky relating to property exempt from taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended to read as follows:
There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods of a person used in his home; crops grown in the year in which the assessment is made, and in the hands of the producer; and real property maintained as the permanent residence of the owner, who is sixty-five years of age or older, *or permanently and totally disabled,* up to the assessed valuation of sixty-five hundred dollars on said residence and contiguous real property, except for assessment for special benefits. The real property may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemptions shall apply only to the value of the real property assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property. All laws exempting or omitting property from taxation other than the property above mentioned shall be void. The general assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415.

HB 149, AN ACT proposing an amendment to Section 144 of the Constitution of Kentucky relating to Fiscal Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 144 of the Constitution of Kentucky be amended to read as follows:

Section 144. Counties shall have a Fiscal Court, which may consist of the Judge of the County Court and the Justices of the Peace, in which Court the Judge of the County Court shall preside, if present; or a county may have three commissioners, to be elected from the county at large, who, together with the Judge of the County Court, shall constitute the Fiscal Court. *In counties having a population of more than 350,000, the Fiscal Court shall be composed of eight county commissioners elected from eight equal districts in which they reside within the county, who, together with the Judge of the County Court, shall constitute the Fiscal Court. At the general election in the year 1981 one commissioner shall be elected in each of six districts. The commissioners then elected shall hold their offices, three for two years and three for four years, as shall be determined at the 1980 session of the General Assembly. The seventh and eighth member of the Fiscal Court are the members who were elected in 1979 and whose terms expire in 1983. In 1983 their successors will run from two of the eight equal districts created by the 1980 General Assembly. Their successors then elected shall hold their offices one for two years and one for four years, as shall be determined at the 1980 session of the General Assembly. Beginning in the year 1983 and every two years thereafter there shall be elected for four years one commissioner in each district in which the term of his predecessor in office will then expire. The term of office of county commissioners in counties having a population of more than 350,000 shall commence on the first Monday in January after their election and shall continue until their successors are elected and qualify.* A majority of the members of said Court shall constitute a Court for the transaction of business. But where, for county governmental purposes, a city is by law separated from the remainder of the county, such Commissioners may be elected from the part of the county outside of such city.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 356 and 257 of the Constitution and under KRS 118.415.

HB 315, AN ACT proposing to amend Section 36 of the Constitution of Kentucky relating to the meeting of the General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 36 of the Constitution of Kentucky is proposed to be amended to read as follows:

The first General Assembly, the members of which shall be elected under this Constitution, shall meet on the first Tuesday after the first Monday in January, eighteen hundred and ninety-four, and thereafter the General Assembly shall meet on the same day every second year, and its sessions shall be held at the seat of government, except in case of war, insurrection or pestilence, when it may, by proclamation of the Governor, assemble, for the time being, elsewhere. *Upon the presentation to the Governor of a petition bearing the signatures of not less than two-thirds of the members of each House, requesting that he call a special session of the General Assembly and designating the date of convening, the Governor shall forthwith call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the General Assembly shall not be limited.*

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415.

HB 387, AN ACT proposing an amendment to Section 93 of the Constitution of Kentucky relating to constitutional state officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 93 of the Constitution of Kentucky be amended to read as follows:

The Treasurer, Auditor of Public Accounts, Secretary of State, Commissioner of Agriculture, Labor and Statistics, Attorney-General, [Superintendent of Public Instruction] and Register of the Land Office shall be ineligible to re-election for the succeeding four years after the expiration of the term for which they shall have been elected. The duties and responsibilities of these officers, *and the Superintendent of Public Instruction* shall be prescribed by law, and all fees collected by any of said officers shall be covered into the treasury. Inferior State officers, not specifically provided for in this Constitution, may be appointed or elected, in such manner as may be prescribed by law, for a term not exceeding four years, and until their successors are appointed or elected and qualified.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415.

HB 705, AN ACT relating to school taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.597 is amended to read as follows:

Any school tax authorized by KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648 may be recalled as follows:

(1) The order or resolution levying any of the school taxes designated heretofore in this section shall go into effect not less than thirty (30) days nor more than ninety (90) days after its passage. If during the thirty (30) days immediately following the passage of the order or resolution a petition signed by a number of registered and qualified voters equal to fifteen per cent (15%), *except in counties containing a city of the first class, equal to five percent (5%)* of the votes cast in the school district or combined taxing district levying the tax for the office receiving the greatest total vote at the last preceding presidential election is presented to the *county board of elections requesting that the order or resolution of such tax be placed on the ballot for voter approval* [school board protesting against passage of the order or resolution], the order or resolution shall be suspended from going into effect for that district until after the election provided for in subsection (2) of this section. *The person presenting the petition shall be given a receipt indicating the date of presentation.* Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, number or designation of the district or ward wherein the precinct is situated. Each voter shall sign his name in the same manner as he signed the current registration form described in KRS 116.153 or subsection (2) of KRS 116.045, as the case may be. If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it. One or more persons shall verify by affidavit the signatures and addresses of the signers of the petition. *The county board of elections shall make the determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution, and immediately thereafter shall notify the school board that the petition has been received and that the order or resolution levying such tax will be placed on the ballot for voter approval at the next general election. The board of elections shall certify to the school board within thirty (30) days of receipt of the petition that the petition is properly presented and in compliance with the provisions of this Act. If the board of elections finds the petition to be invalid, it shall state in writing the deficiency of said petition. Written notification that the petition has been declared invalid and the deficiencies thereof shall be sent by registered mail to the person to whom a receipt was given by the board of elections, and shall be published at least one time in a newspaper of general circulation within the county containing the school district levying the tax, or if there be no such newspaper, shall be posted at the courthouse door. If good cause is shown, the board of elections shall permit the petitioners to correct the deficiencies either by securing additional valid signatures or by circulating a new petition, such petition to be submitted to the board within thirty (30) days from the date of the written notification of the deficiencies.* [The board or boards of registration in the county shall provide necessary and appropriate aid to the school board or boards so that the latter may make the determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.]

(2) Thereupon, if it has been determined that the petition contains enough valid signatures to suspend the effect of the order or resolution, the county board of elections shall submit to the voters of the school district in which a valid recall petition has been filed pursuant to subsection (1) of this section at the next regular November election the question as to whether the tax shall be levied. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast in a district or combined taxing district upon the question oppose its passage, the order or resolution shall not go into effect in that district or combined taxing district. If a majority of the votes cast in a district or combined taxing district upon the question favor its passage, the order or resolution shall go into effect in that district. In the event that the election is to be held in more than one (1) school district within a county the votes shall be counted separately.

(3) If any statute in existence on the effective date of this Act is found to be in conflict with any provision of this Act, the provisions of this Act shall prevail.

SB 350, AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 117.185 is amended to read as follows:

(1) Not less than *four (4)* [five (5)] days before the day of any election, the county board of elections shall call together the officers of election of each precinct and instruct them in the use of the voting machines. No election officer, upon being notified to appear for instruction, shall fail without just cause so to do. If any officer does so fail to appear, the board may appoint and instruct some other qualified person, from the same list from which the defaulting officer was appointed, to act in place of the defaulting officer.

(2) Compensation may be paid by the county to the election officers for attending the instruction session.

SCR 34, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the updating of the Constitution of Kentucky through the amendment process.

WHEREAS, the Constitution of Kentucky provides a framework for the government of Kentucky; and

WHEREAS, the Constitution, written in 1890-1891, contains a number of provisions which do not promote efficiency in the governing of Kentucky in the 1970's; and

WHEREAS, the people of Kentucky have indicated in four elections that changing the Constitution through the amendment process is preferable to holding a constitutional convention; and

WHEREAS, there is no plan for updating the Constitution of Kentucky through the amendment process;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Legislative Research Commission is directed to study the Constitution of Kentucky for the purpose of making recommendations for amendments to update the Constitution in an orderly, comprehensive manner, and such recommendations shall be submitted to the members of the General Assembly for their consideration.

Section 2. That the findings and recommendations of this study shall be reported to the Legislative Research Commission and the appropriate interim committee no later than June 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $20,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee on Cities reported **HB 702** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 702, AN ACT relating to sale of property for delinquent taxes in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 92.760 is amended to read as follows:

(1) If any real property sold for taxes of a city of the second class is not redeemed within the prescribed time, a fee simple title thereto shall vest absolutely in the purchaser, whether the city or a private person, subject [only] to state and county taxes *and all liens of record.* The treasurer shall then convey the property by executing a deed to the purchaser, except that no conveyance shall be made to any purchaser other than the city until he has paid, with interest, penalties and costs, all taxes assessed against the property after the assessment of the tax for which it was sold. The purchaser shall then be entitled to possession, and the occupant of the property shall be deemed a tenant at will of the purchaser and subject to removal as such, and shall be liable to the purchaser for the reasonable rental of the property. The deed shall describe the property

by lot and block number as shown on the city maps, if the property is so numbered, and may contain the description of the property contained in the title deeds therefor. The deed shall be attested by the city clerk under the seal of the city, and acknowledged by the treasurer as other deeds are acknowledged. The deed will pass all of the title [, legal or equitable] of the delinquent owner, *subject, however, to* [free of] all liens *of record including* [except for] state and county taxes, and shall be prima facie evidence of the regularity of the sale and of all prior proceedings, and of title in the person to whom the deed is executed, but neither the city nor the treasurer shall be deemed a warrantor of the title. In cases where the property of persons under disability is sold, no conveyance shall be executed to the purchaser until the time for redemption has expired, but the purchaser shall be entitled to possession at the end of two (2) years from the sale as in other cases. If the property is redeemed the purchaser shall not be entitled to interest during the time he was in possession of the property or receiving the income therefrom. Any land sold and conveyed to the city for taxes may be held and used by the city for any proper municipal purpose or may be sold or rented out at such time and in such manner as the general council directs by ordinance, and the proceeds thereof covered into the city treasury.

(2) If any real property of a person not under disability is sold for taxes of a city of the third class and purchased by any person other than the city, and is not redeemed within the time allowed for redemption under subsection (2) of KRS 92.730, the purchaser shall be entitled to a deed for the property, and the collector who made the sale or his successor in office shall execute and acknowledge before the county clerk a deed of conveyance to the purchaser, embodying a copy of the certificate of sale in the deed. The deed will pass to the purchaser all the title, legal or equitable, of the original owner.

(3) If any real property sold for taxes of a city of the fourth class is not redeemed within the time allowed for that purpose, the fee simple title thereto shall vest absolutely in the purchaser, whether the city or a private person. The collector or treasurer shall then convey to the purchaser the property described in his certificate of purchase, by a deed made in the name of the city and of the owner. For executing the deed, the collector or treasurer shall have a fee of one dollar and fifty cents ($1.50), to be paid by the grantee named in the deed.

The Committee Substitute to **HB 702** is as follows:

HB 702, AN ACT relating to the sale of property for delinquent taxes in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 92.600 is amended to read as follows:

(1) Every fiduciary appointed under the laws of this state or by a deed or will recorded in this state who has the management of any real property in a city of the second and fourth class, and every agent of a nonresident of this state owning property in a city of the second or fourth class who collects the rent or income thereof, shall, out of the net income of such property, pay all city taxes assessed thereon before applying the income to the wants of or paying it over to his beneficiary or employer, any instructions of the latter to the contrary notwithstanding. In cities of the second class, the agent or fiduciary shall pay the taxes when due, and in cities of the fourth class he shall pay them before October 1 of the year after the year for which the taxes were assessed. In default of such payment the agent or fiduciary shall be liable for such taxes to the amount of the income that he might have so applied, which liability may be enforced in any court of competent jurisdiction, and it shall not be an answer to any such action that the city has a lien upon the property as a security for its taxes.

(2) Any fiduciary who fails to pay the taxes assessed by a city of the second class against the property of his beneficiary as required in subsection (1) of this section, or who fails to redeem any property of his beneficiary that has been sold for taxes [, after receiving notice from the treasurer as provided in KRS 92.670,] shall be liable on his official bond for all interest, penalties or other damage or loss due to such failure.

Section 2. KRS 92.660 is amended to read as follows:

(1) As soon as any taxes of a city of the second class become delinquent, either in whole or in part, the treasurer may distrain sufficient personal property owned by the delinquent taxpayer at that time or at the time of the assessment, or held for him by a fiduciary or agent, notwithstanding any lien upon it, and sell enough thereof to satisfy all taxes, penalties and interest due to the city for taxes on the property sold or on other personal property or real estate, and to pay two dollars ($2.00) for the cost of the advertisement and sale. The sale shall be for cash, and the levy, advertisement, sale and delivery to the purchaser shall be made in the same manner as in the case of goods levied on by sheriffs under executions on replevin bonds. The statutes governing powers and duties of sheriffs in levying on and selling property under executions on replevin bonds shall be applicable to the treasurer and shall regulate his powers and actions as to the order and manner of levying on property and its advertisement and sale. No warrant shall be required for such

distraint, but the tax bill shall give all necessary power for the distraint, sale and all subsequent proceedings thereunder. No distraint or sale of personal property shall be necessary to validate any sale of real estate for taxes as provided in *Sections 7 or 9 of this Act* [KRS 92.670], and no such sale of real estate shall be void because of any failure of the treasurer to distrain or sell personal property.

(2) Whenever the treasurer in any city of the second class believes on reasonable grounds that any personal property that has been assessed for taxation by the city is about to be removed from the city and that the city will thereby lose the taxes on it, he shall immediately distrain and sell, in the manner set forth in subsection (1) of this section, enough of the personal property to satisfy the taxes.

(3) In collecting city taxes, the collector of any city of the third class may distrain the personal property owned by or in the rightful possession of the person from whom the tax is due, notwithstanding the existence of any lien upon it.

(4) On receipt of the tax bills with penalty and interest attached, the collector or treasurer of any city of the fourth class may distrain sufficient personal property of the delinquent, if it is found in the city, to satisfy all taxes, penalties and interest due.

Section 3. KRS 92.670 is amended to read as follows:

On the second Monday in December of each year, or as soon thereafter as practicable, the treasurer of each city of the second class shall *offer for sale the tax claims of the city against* [sell a sufficient amount of real property, whether encumbered or not, of] each delinquent taxpayer to satisfy all unpaid taxes of the delinquent with interest and penalties thereon, and to pay two dollars ($2.00) for the cost of advertisement and sale. The sale shall be made to the highest and best bidder for cash at public auction, at or about noon, at the main entrance of the city building. [One or more parcels of real property may be sold for all of the taxes owed by the delinquent, whether for taxes on the property sold or for taxes on other real or personal property. When a parcel of real property is offered for sale, the treasurer shall inquire whether any one will buy an interest therein less than the whole thereof, and pay the taxes, interest, penalty and costs thereon, and he shall sell only so much thereof or such an interest therein as will produce the amount required to be realized. If no one will take less than the whole of the property and pay the taxes, interest, penalties and costs, the treasurer shall sell the whole of the property. If no one bids an amount equal to the taxes, interest, penalties and costs, the treasurer shall purchase the property for that amount. If one or more persons own a life estate or other particular estate in the property sold with remainder over to others, the treasurer shall first offer the particular estate for sale, and if no one will bid enough therefor to pay the taxes, interest, penalties and costs, he shall then sell the whole property. Except as otherwise provided in this section, the sale shall be made in the same manner that real property is sold by sheriffs under execution, but no levy or appraisal shall be necessary.] If any person purchases *a tax claim* [property] at the sale, and then fails to pay for it, the treasurer shall immediately resell the *tax claim* [property. Real property sold for delinquent taxes may be resold, in like manner, for taxes for succeeding years]. If, for any reason, *tax claims are* [real property is] not sold at the time fixed in this section, it may be advertised and sold at any time thereafter in the manner provided in this section.

(2) Before making any sale, the treasurer shall cause notice thereof to be published pursuant to KRS chapter 424, showing the time, place and terms of the sale, the names of the delinquent taxpayers, the numbers of the tax bills, the total amount of taxes, interest, penalties and costs due on each bill, and a brief description of the property *covered by the tax bill* [to be sold], by lot and block numbers as shown on the city maps or by other descriptions sufficiently accurate to identify each parcel. *The treasurer shall, not less than twelve (12) days before the sale, mail to the delinquent taxpayer's place of residence or business, if such can be ascertained, a notice of the time and place of sale. Failure to send such notice shall have no effect on the validity of the sale* [Within thirty (30) days after the sale the treasurer shall cause to be delivered to each delinquent whose real property has been sold, or to his guardian or committee, or to his agent if the delinquent is a nonresident, a written notice of the sale, the time within which the property can be redeemed and the amount required to redeem it. If notice is not served within thirty (30) days, it may be served as soon thereafter as practicable, but if the notice is not given six (6) months before the expiration of the period of redemption that period shall be extended until six (6) months after the service of the notice. Failure to give notice shall not defer the purchaser's right to possession as provided in subsection (1) of KRS 92.760. The notice may be executed by any police officer of the city or by any other person authorized by law to serve a notice. Any purchaser of property sold for taxes may cause the notice to be given with the same effect as if given by the treasurer. In either case the notice, with the officer's written return thereon showing the time and manner of service, shall be returned to the treasurer's office and recorded in a book provided for that purpose and preserved in that office. No deed shall be executed to a purchaser when notice has not been given as required].

(3) All money received by the treasurer for *the sale of tax claims* [property sold for taxes], including money collected for costs, shall be promptly accounted for and paid over by the treasurer in the same manner as taxes collected without sale.

(4) If there is more than one (1) willing purchaser at the sale, the one (1) having made the most recent purchase of a tax claim against the same delinquent or the same property shall have preference; if there is no such person the sale shall be made to the person being the first in the judgment of the treasurer, to offer to pay cash in the full amount of the tax claim. When a sale is made the tax bill shall be known as a certificate of delinquency and the treasurer shall inscribe thereon the date of sale, the sale price, and the name and address of the purchaser, in the place and manner prescribed by the city, and the purchaser shall be entitled to a certified copy of the certificate of delinquency.

(5) If no responsible bid in the amount of the tax claim is received, the treasurer shall purchase it for the city. In such case the tax bill shall also be known as a certificate of delinquency, and the treasurer shall inscribe thereon the same information required when one other than the city is the purchaser.

SECTION 4. A NEW SECTION OF KRS 92.670 TO 92.680 IS CREATED TO READ AS FOLLOWS:

(1) Certificates of delinquency shall bear interest from the date of issuance until collected at the rate of twelve percent (12%) per annum.

(2) Certificates of delinquency shall be prima facie evidence that:

(a) The property represented by the certificate was subject to taxes levied thereon, and was assessed as required by law.

(b) The tax bill was valid and correct in all respects.

(c) The taxes were not paid at any time before the issuance of the certificate.

SECTION 5. A NEW SECTION OF KRS 92.670 TO 92.680 IS CREATED TO READ AS FOLLOWS:

An uncollectible tax bill or a certificate of delinquency shall embrace the entire tax claim, including the lien provided in KRS 92.650 and shall continue to be a personal obligation of the delinquent taxpayer. Any property while owned by him shall be subject to foreclosure or execution in satisfaction of a judgment pursuant to an action in rem or an action in personam, or both, to enforce the obligation, brought in circuit court, but no action may be brought to enforce a certificate of delinquency until three (3) years after the issuance thereof, and the action must be instituted within five (5) years after the expiration of that three (3) year period. During the three (3) year period the statute of limitations shall be suspended in all respects and shall be continued in all respects for five (5) years thereafter. If the owner of a certificate of delinquency proceeds to enforce satisfaction of the certificate, he may include all other certificates held by him against the same delinquent taxpayer, but insofar as the proceedings may undertake to effect a lien foreclosure they shall be governed by the time applicable to the particular property subject to the lien, if that property is no longer owned by the delinquent.

SECTION 6. A NEW SECTION OF KRS 92.670 TO 92.680 IS CREATED TO READ AS FOLLOWS:

The delinquent taxpayer or any person owning or having a legal or equitable interest in real property covered by a certificate of delinquency may at any time pay the total amount of the certificate to any purchaser thereof, and any person whatsoever may likewise pay a certificate of delinquency when the city was the purchaser. When a certificate is paid to an owner other than the city the certified copy of the certificate shall be surrendered to the person making payment, and if he is the person primarily liable on the certificate he may, by exhibiting it to the treasurer have the certificate released of record. When a certificate of delinquency has been fully paid to the city, the treasurer shall note the name and address of the person making the payment, the amount paid by him, and such other information as the city may require. Payment in such instance by one (1) other than the person primarily liable on the certificate will amount to an assignment thereof. Anyone other than the person primarily liable who pays a certificate or purchases it from an owner other than the city may, by paying a fee of fifty cents (50¢), have the treasurer record the payment or purchase and such recordation shall constitute an assignment thereof. Failure to obtain such an assignment shall render the claim of such payor or purchaser to any real estate represented thereby inferior to rights of other bona fide purchasers, payors or creditors. Any owner of a certificate of delinquency once having paid the assignment fee may have a change of his address noted of record by the treasurer without paying an additional charge, otherwise he shall pay a fee of fifty cents (50¢) to the treasurer for entering such change on the certificate.

SECTION 7. A NEW SECTION OF KRS 92.670 TO 92.680 IS CREATED TO READ AS FOLLOWS:

(1) A private person or a city who is the owner of a certificate of delinquency may, after the expiration of the three (3) year period provided in Section 5 of this Act:

(a) Institute an action in circuit court against the delinquent taxpayer to collect the amount of the certificate, and any other such certificates subsequently issued to the same owner against the same delinquent, and shall have all the remedies available for the enforcement of a debt; or

(b) Institute an action in circuit court to enforce the lien provided in KRS 92.650, represented by the certificate that is more than three (3) years of age, and those certificates subsequently held by the same owner against the same delinquent or property; or

(c) Institute one (1) action including both types of actions mentioned in paragraphs (a) and (b) of this subsection, and such joinder of actions shall not be defeated in the event the delinquent taxpayer has disposed of any property covered by the lien, but the purchaser of the property shall be made a defendant if the judgment is to affect his interest in the property, and as between them the delinquent taxpayer shall be responsible.

(2) When property is sold pursuant to a judgment of foreclosure in an action under this section, notice of the sale shall be given as provided in KRS Chapter 424.

(3) Where property is sold pursuant to a judgment of foreclosure, it shall not be appraised as in other foreclosure proceedings and there shall be no right of redemption except as provided in subsection (4) of this section. If there is no purchaser at a foreclosure sale, the master commissioner shall make a deed to the person or persons shown by record to be the owner of the certificate or certificates of delinquency, and they shall have a pro rata interest therein in accordance with the amount of their respective certificates.

(4) No deed shall be executed and delivered to the purchaser at a foreclosure sale until thirty (30) days have expired. The property may be redeemed by any defendant to a foreclosure action under this section at any time before the deed is delivered to the purchaser, by paying to the plaintiff in the action the judgment amount plus subsequent costs and interest at the rate of eight percent (8%) per annum.

Section 8. KRS 92.760 is amended to read as follows:

(1) If any real property sold for taxes of a city of the second class is not redeemed within the prescribed time *as provided in subsection (4) of Section 7 of this Act*, a fee simple title thereto shall vest absolutely in the purchaser, whether the city or a private person, subject only to state and county taxes. The treasurer shall then convey the property by executing a deed to the purchaser, except that no conveyance shall be made to any purchaser other than the city until he has paid, with interest, penalties and costs, all taxes assessed against the property after the assessment of the tax for which it was sold. The purchaser shall then be entitled to possession, and the occupant of the property shall be deemed a tenant at will of the purchaser and subject to removal as such, and shall be liable to the purchaser for the reasonable rental of the property. The deed shall describe the property by lot and block number as shown on the city maps, if the property is so numbered, and may contain the description of the property contained in the title deeds therefor. The deed shall be attested by the city clerk under the seal of the city, and acknowledged by the treasurer as other deeds are acknowledged. The deed will pass all of the title, legal or equitable of the delinquent owner, free of all liens except for state and county taxes, and shall be prima facie evidence of the regularity of the sale and of all prior proceedings, and of title in the person to whom the deed is executed, but neither the city nor the treasurer shall be deemed a warrantor of the title. [In cases where the property of persons under disability is sold, no conveyance shall be executed to the purchaser until the time for redemption has expired, but the purchaser shall be entitled to possession at the end of two (2) years from the sale as in other cases. If the property is redeemed the purchaser shall not be entitled to interest during the time he was in possession of the property or receiving the income therefrom.] Any land sold and conveyed to the city for taxes may be held and used by the city for any proper municipal purpose or may be sold or rented out at such time and in such manner as the general council directs by ordinance, and the proceeds thereof covered into the city treasury.

(2) If any real property of a person not under disability is sold for taxes of a city of the third class and purchased by any person other than the city, and is not redeemed within the time allowed for redemption under subsection (2) of KRS 92.730, the purchaser shall be entitled to a deed for the property, and the collector who made the sale or his successor in office shall execute and acknowledge before the county clerk a deed of conveyance to the purchaser, embodying a copy of the certificate of sale in the deed. The deed will pass to the purchaser all the title, legal or equitable, of the original owner.

(3) If any real property sold for taxes of a city of the fourth class is not redeemed within the time allowed for that purpose, the fee simple title thereto shall vest absolutely in the purchaser, whether the city or a private person. The collector or treasurer shall then convey to the purchaser the property described in his certificate of purchase, by a deed made in the name of the city and of the owner. For executing the deed, the collector or treasurer shall have a fee of one dollar and fifty cents ($1.50), to be paid by the grantee named in the deed.

Section 9. KRS 92.770 is amended to read as follows:

(1) Taxes of a city of the second class that remain unpaid in whole or in part after they become due, with the interest and penalty thereon, shall be deemed a debt from the owner of the property on which the taxes were assessed to the city, arising as by contract. In addition to powers given to cities of the second class to collect taxes by sale of *tax claims as provided in Section 3 of this Act* [the delinquents' property,] such cities may enforce the collection of any taxes due them, and enforce their lien on the property of delinquents, by any remedy given by law for the recovery of debt, and may institute an action *in circuit court* for the collection of taxes at any time after the taxes become delinquent. In any such action the city may file a copy

of the tax bill, attested by the treasurer under the seal of the city, and the tax bill shall be prima facie evidence of the regularity of the assessment and levy and of every other fact necessary to entitle the city to judgment for the taxes, with interest, penalties and costs, and to have a sale of the property for payment of that amount, even though the defendant is a nonresident or person under disability.

(2) Before making any sale, the treasurer shall cause notice thereof to be published pursuant to KRS Chapter 424, showing the time, place and terms of the sale, the names of the delinquent taxpayers, the numbers of the tax bills, the total amount of taxes, interest, penalties and costs due on each bill, and a brief description of the property to be sold, by lot and block numbers as shown on the city maps or by other descriptions sufficiently accurate to identify each parcel. No deed shall be executed to a purchaser when notice has not been given as required. All money received by the treasurer for property sold for taxes, including money collected for costs, shall be promptly accounted for and paid over by the treasurer in the same manner as taxes collected without sale.

(3) When any property has been sold for taxes, the purchaser may at any time thereafter institute an action in equity against the owners of the property and recover judgment for the amount of the purchase money, with interest, penalty and costs, and have the property sold for the payment of that amount. The plaintiff in that action may file a copy of his certificate of purchase, attested by the treasurer under the seal of the city, and the certificate shall be prima facie evidence of the regularity of the assessment, levy and sale, and of every other fact necessary to entitle him to the relief sought, even though the defendant is a nonresident or person under disability.

(4) A fee simple title to property purchased at a foreclosure sale resulting from a judgment in any action under this section shall vest absolutely in the purchaser, subject however, to state and county taxes and all liens of record.

(5) [(3)] In actions under this section no personal judgment shall be rendered against a person under disability or against a nonresident who has not appeared or been summoned in the action, and proceedings against such persons shall be as provided in the Rules of Civil Procedure.

Section 10. KRS 92.720, Redemption of real property sold for taxes in cities of the second class, is repealed.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Judiciary-Courts: **SB 344, SB 360.**

Appropriations and Revenue: **SB 335, SB 337, SB 359, SB 340.**

Calendar

HCR 67, SB 13, SB 28, SB 47, HB 568, HB 581, HCR 49, HB 703, HB 721, HB 759, SB 191, SB 224, HB 673, HB 726, HR 95, HCR 114, SB 133, SB 207, SB 260, SB 264, HB 745, SB 276, HB 728, HCR 90, SB 187, SB 214, SB 215, HB 643, HR 46, HJR 60, HJR 96, HCR 100, SR 27, SB 97, SB 242, SB 254, SB 285, SB 143, and **SB 252** taken from the Calender and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors of Bills and Resolutions. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members requested that their names be added as co-sponsors of Bills and Resolutions: Representative Noe, **HR 124**; Representative Pearman, **HB 103** and **HB 732.**

Representative B. Richardson moved that the clincher motion be removed from **HB 332** to reconsider vote to add an amendment.

On the roll call the vote was yeas 62-Adams, Arnold, Bendl, Bennett, Boatwright, Boswell, Brinkley, Bruce, Burch, Clarke, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Head, Imes, Isler, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Sale, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Van Horn, Wilborn, Wright, Yates. Nays 1-Maynard.

The motion that the clincher motion be removed from **HB 332** to reconsider vote to add an amendment was adopted.

Representative B. Richardson moved that the vote on **HB 332** be reconsidered.

On the roll call the vote was yeas 62-Adams, Bendl, Bennett, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Craddock, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Holbrook, Isler, Johnson, Kenton, Kidd, Layton, LeMaster, List, Little, Mann, Marcum, McBee, McKinney, McNutt, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Sale, R. Smith, Stewart, Stone, Thomas, Trevey, Van Horn, Weinberg, Wilborn, Wright, Yates. Nays 1-Maynard.

The motion that the vote on **HB 332** be reconsidered was adopted.

Representative Gray moved that the rules be suspended to record a vote. Agreed.

Representative Gray moved that he be recorded as voting "nay" on **HB 331.** Agreed.

Representative DeFalaise moved that **HB 457** be recommitted to the Committee on Health and Welfare. Agreed.

Representative B. Richardson moved that **HCR 105** be taken from Orders of the Day and recommitted to the Committee on State Government. Agreed.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

Orders of the Day

HB 332, by way of Committee Substitute, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 10 to **HB 332:**

Amend printed copy of House Committee Substitute for House Bill 332, page 7, after line 5, by adding the following:

"Section 1. KRS 189.645 is amended to read as follows:

(1) Every motor vehicle, trailer, semitrailer and pole trailer registered in the Commonwealth *may, at the option of the owner* [shall] be annually inspected for safety and an official certificate of inspection and approval shall be obtained for each such vehicle *so inspected.*

(2) Such inspections shall be made and such certificates obtained with respect to the brakes, lights, turn signals (if any), steering, sound devices, glass, mirror, exhaust system, windshield wipers, and tires.

(3) In the event repair or adjustments of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment in any place he may choose, within five (5) days but in every event an official certificate of inspection and approval shall be obtained from an official permit holder within five (5) days before such vehicle shall be operated upon the highways of this Commonwealth. The fee shall be collected at the time of the original inspection. No additional fee shall be charged if vehicle is repaired and returned to same inspection station within five (5) days.

(4) The department shall suspend the registration of any vehicle which is determined to be in such unsafe condition as to constitute a menace to safety, or which after notice and demand is not equipped as required by KRS 189.641 to 189.647, 189.651 to 189.659 and 189.730 [or for which a required certificate has not been obtained].

[(5) The commissioner may, by regulation, authorize the acceptance in the Commonwealth of a certificate of inspection and approval issued in another state having an inspection law similar to this Commonwealth and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this Commonwealth during the time an inpsection was required.]

Section 2. KRS 189.647 is amended to read as follows:

(1) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form furnished by the department to the owner of a vehicle only upon inspecting such vehicle and determining that its equipment required by KRS 189.641 to 189.647, 189.651 to 189.659 and 189.730 is in good condition and proper adjustment. A record and report shall be made of every inspection and every certificate issued. These records shall be forwarded to the department at such times as the commissioner, by regulation, shall specify.

(2) The fee for inspection, including the issuance of the certificate of approval shall not exceed *$5.00* [$2.50]. No certificate of approval shall be issued until and unless the prescribed inspection is completed and the permit holder has complied with the provisions of KRS 189.641, 189.651 to 189.659 and 189.730.

(3) The appropriate inspection certificate shall be placed in the lower righthand portion of the front windshield at the conclusion of each inspection by the person performing the inspection.

Section 3. KRS 189.657 is amended to read as follows:

(1) [The commissioner may, with the approval of the governor, extend the time for not more than sixty (60) days for any of the inspections required by KRS 189.641 to 189.647, 189.651 to 189.659 and 189.730 in any case, where weather conditions of the highways or any other cause whatsoever renders compliance with the provisions of KRS 189.641 to 189.647, 189.651 to 189.659 and 189.730 within the prescribed time difficult or impossible for a large number of persons.

(2)] The Commissioner is hereby authorized to make necessary rules and regulations for the administration and enforcement of KRS 189.641 to 189.647, 189.651 to 189.659 and 189.730.

SECTION 4. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

The owner of any vehicle inspected under the provisions of this Act shall be entitled to a five percent (5%) discount on his motor vehicular insurance on said vehicle for each year during which he has a current inspection certificate."

Agreed.

Representative B. Richardson moved that **HB 332,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 78-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, Little, Mann, Marcum, Maynard, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 10-Beshear, Crupper, DeFalaise, Dunn, Lemaster, Lindsay, List, McBee, McKinney, Van Horn.

HB 332, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that **HB 332,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 312 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the following Floor Amendment No. 1 to **HB 312:**

Amend printed copy of House Bill 312, page 2, lines 3 and 4, by deleting "*Sixty-six and two-thirds percent (66 2/3 %)*" and inserting in lieu thereof "*Sixty percent (60%)*".

Representative Gray moved that **HB 312,** as amended, be passed.

On the roll call the vote was yeas 50-J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Clapp, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hines, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Little, Mann, Maynard, Morris, Nett, Noe, Overstreet, Priddy, B. Richardson, Romines, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, Williams, Wright, Yates. Nays 41-Adams, W. Allen, Arnold, Burnette, Carpenter, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Foster, Gay, Guenthner, Haering, Hancock, Holbrook, Holloway, Layman, Lindsay, List, Marcum, May, McBee, McKinney, McNutt, O'Brien, Patrick, Pearman, Petty, Plummer, Rattliff, Richards, P. Richardson, Riner, Robinson, Sale, Schmidt, Trevey, Worthington.

HB 312, as amended, was passed and the title agreed to.

Representative Gray moved that the vote by which **HB 312,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker Pro Tempore vacated the Chair.

The Speaker assumed the Chair.

HB 546, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Weinberg moved the adoption of the Committee Substitute to **HB 546.** Agreed.

Representative Weinberg moved the adoption of the following Floor Amendment No. 6 to the Committee Substitute to **HB 546:**

Amend printed copy of Committee Substitute for House Bill 546, page 10, line 8, by adding after line 8, the following new section:

"Section 7. KRS 177.960 is amended to read as follows:

(1) There is hereby created an energy road fund, hereinafter referred to as the "fund", in the state treasury to be administered by the department of transportation. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used for the construction of public roads or for any other activities administered by the department of transportation including the construction or reconstruction, repair and maintenance of any public highway, road, street, or bridge only in "coal producting counties" as defined in subsection (3) of this section.

(3) As used in this section, "coal producing county" shall mean a county in which coal was severed within the meaning of Chapter 143 of the Kentucky Revised Statutes and upon which severance the tax applicable thereto was reported and remitted prior to January 1, 1976.

(4) By August 15, 1976 for fiscal year 1976-77, and by August 15, 1977 for fiscal year 1977-78, the commissioner of the executive department for finance and administration shall notify the secretary of the department of transportation and the fiscal court of each coal producing county of the total amount in the fund available for expenditure within each such county, which shall be calculated for each fiscal year of the biennium by multiplying the total amount appropriated to or otherwise received by the fund by a fraction the numerator of which shall be the total tons of coal severed in each coal producing county and the denominator of which shall be the total tons of coal severed in all coal producing counties during the fiscal year next preceding that for which allocations of the fund are made. *Sixty (60) percent of the funds available to each county shall be restricted for use on the state primary road system. Forty (40) percent shall be restricted for use on the county road system on projects selected by the fiscal courts.*

(5) Any balance remaining in the fund at the close of the fiscal year 1976-77 shall not lapse, but shall continue into fiscal year 1977-78.

(6) Within thirty (30) days thereafter the bureau of highways shall consult with the fiscal courts of each coal producing county for the purpose of receiving recommendations from said fiscal courts for the selection of public roads, highways, streets and bridges for construction, reconstruction, repair and maintenance as provided in KRS 177.330, 177.340 and 177.350, provided, however, that nothing herein shall be construed to limit expenditures from the fund upon secondary and rural roads.

(7) In addition to all other appropriations provided by law in subsections (1) through (6) of this section, there is appropriated to the fund for expenditure in accordance with this Act in fiscal year 1979-80, seventy-five (75%) of the total coal severance tax received during the fiscal year 1978-79 in excess of one hundred sixty-five million, seven hundred seventy-five thousand, six hundred forty-four dollars ($165,775,644) and for expenditure in accordance with this Act in fiscal year 1980-81, seventy-five percent (75%) of the total severance tax received during the fiscal year 1979-80 in excess of one hundred ninety-two million, two hundred seventy-seven thousand, eight hundred ninety-four dollars ($192,277,894) and thereafter during each succeeding fiscal year there is appropriated to the fund in addition to funds appropriated through subsections (1) through (6) of this section, monies amounting to one-twenty fourth (1/24) of the total severance taxes received during the immediately preceding fiscal year. Any unexpended balance remaining in the fund at the close of each fiscal year shall not lapse, but shall continue to the next fiscal year for expenditure in accordance with this Act.

(8) Thirty-three and one-third percent (33-1/3 %) of the amounts appropriated in subsection (7) shall be expended in coal producing counties through which coal is regularly transported over public highways, roads or streets designated as a part of the state coal haul road system by the department of transportation. On or before August 15, 1979 and each year thereafter, the department of transportation shall publish a directory, including supporting maps and other documents, designated the official coal haul road system in coal producing counties which shall include all public highways, roads and streets over which quantities of coal, sufficient to significantly affect the condition and state of repair of such highways, roads and streets, have been transported in the immediately preceding fiscal year. The department shall further publish the total mileage of the official state coal haul road system within each coal producing county. The amount appropriated to each county shall be determined by multiplying thirty-three and one-third percent (33 1/3 %) of the amount received by the fund pursuant to subsection (7) by a fraction the numerator of which shall be the total miles of official coal roads in each coal producing county and the denominator of which shall be the total miles of official coal roads in all coal producing counties. The remaining sixty-six and two-thirds percent (66 2/3 %) of the amounts appropriated in subsection (7) shall be expended in coal producing counties on the basis of the total value of coal severed and/or processed in each county. Such amount shall be determined by multiplying sixty-six and two-thirds percent (66 2/3 %) of the amount received by the fund pursuant to subsection (7) by a fraction the numerator of which shall be the total gross value of coal severed and/or processed in each coal producing county and the denominator of which shall be the total gross value of coal severed and/or processed in all coal producing counties during the calendar year next preceding that for which allocations of the fund are made.

(9) Every person shipping or transporting coal, and every carrier for hire or common carrier hauling coal over the public highways, roads and streets shall file with the department of transportation such information and at such intervals as the department shall designate by regulation duly adopted for the purpose of identifying those highways, roads and streets comprising the coal haul road system and the quantities of coal transported thereon.;

and on page 10, line 7, by deleting "Section 7." and substituting in lieu thereof "Section 8.".

Representative Clarke moved that Floor Amendment No. 6 to the Committee Substitute to **HB 546** be laid on the Clerk's desk.

On the roll call the vote was yeas 82-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, List, Mann, May, McBee, McKinney, McNutt, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 9-Boswell, Bruce, Burnette, Dawahare, Donnermeyer, Gay, Little, Marcum, Noe.

The motion that Floor Amendment No. 6 to **HB 546** be laid on the Clerk's desk was adopted.

Recess

Representative B. Richardson moved that the House recess for ten minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 185** had been examined and found correctly enrolled. Said bill read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

Representative B. Richardson moved that **HB 546** be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

HB 546, by way of Committee Substitute, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 5 to the Committee Substitute to **HB 546:**

Amend printed copy of House Bill 546, page 3, line 22, following the word "shipment" by adding the following: "Processing" does not include:

(a) acts performed by a final consumer who is not a related party to the person who severed and/or processed the coal if such acts are performed only at the site where the coal is consumed for purposes of generating electricity; or

(b) the act of unloading or loading for shipment coal that has not been severed, cleaned, broken, sized or otherwise treated in Kentucky.

Agreed.

Representative Weinberg moved the adoption of the following Floor Amendment No. 6 to the Committee Substitute to **HB 546:**

Amend printed copy of Committee Substitute for House Bill 546, page 10, line 8, by adding after line 8, the following new section:

"Section 7. KRS 177.960 is amended to read as follows:

(1) There is hereby created an energy road fund, hereinafter referred to as the "fund", in the state treasury to be administered by the department of transportation. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used for the construction of public roads or for any other activities administered by the department of transportation including the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge only in "coal producing counties" as defined in subsection (3) of this section.

(3) As used in this section, "coal producing county" shall mean a county in w hich coal was severed within the meaning of Chapter 143 of the Kentucky Revised Statutes and upon which severance the tax applicable thereto was reported and remitted prior to January 1, 1976.

(4) By August 15, 1976 for fiscal year 1976-77, and by August 15, 1977 for fiscal year 1977-78, the commissioner of the executive department for finance and administration shall notify the secretary of the department of transportation and the fiscal court of each coal producing county of the total amount in the fund available for expenditure within each such county, which shall be calculated for each fiscal year of the biennium by multiplying the total amount appropriated to or otherwise received by the fund by a fraction the numerator of which shall be the total tons of coal severed in each coal producing county and the denominator of which shall be the total tons of coal severed in all coal producing counties during the fiscal year next preceding that for which allocations of the fund are made. *Sixty (60) percent of the funds available to each county shall be restricted for use on the state primary road system. Forty (40) percent shall be restricted for use on the county road system on projects selected by the fiscal court.*

(5) Any balance remaining in the fund at the close of the fiscal year 1976-77 shall not lapse, but shall continue into fiscal year 1977-78.

(6) Within thirty (30) days thereafter the bureau of highways shall consult with the fiscal courts of each coal producing county for the purpose of receiving recommendations from said fiscal courts for the selection of public roads, highways, streets and bridges for construction, reconstruction, repair and maintenance as provided in KRS 177.330, 177.340 and 177.350, provided, however, that nothing herein shall be construed to limit expenditures from the fund upon secondary and rural roads.

(7) In addition to all other appropriations provided by law in subsections (1) through (6) of this section, there is appropriated to the fund for expenditure in accordance with this Act in fiscal year 1979-80, seventy-five (75%) of the total coal severance tax received during the fiscal year 1978-79 in excess of one hundred sixty-five million, seven hundred seventy-five thousand, six hundred forty-four dollars ($165,775,644) and for expenditure in accordance with this Act in fiscal year 1980-81, seventy-five percent (75%) of the total severance tax received during the fiscal year 1979-80 in excess of one hundred ninety-two million, two hundred seventy-seven thousand, eight hundred ninety-four dollars ($192,277,894) and thereafter during each succeeding fiscal year there is appropriated to the fund in addition to funds appropriated through subsections (1) through (6) of this section, monies amounting to one-twenty fourth (1/24) of the total severance taxes received during the immediately preceding fiscal year. Any unexpended balance remaining in the fund at the close of each fiscal year shall not lapse, but shall continue to the next fiscal year for expenditure in accordance with this Act.

(8) Thirty-three and one-third percent (33-1/3 %) of the amounts appropriated in subsection (7) shall be expended in coal producing counties through which coal is regularly transported over public highways, roads or streets designated as a part of the state coal haul road system by the department of transportation. On or before August 15, 1979 and each year thereafter, the department of transportation shall publish a directory, including supporting maps and other documents, designated the official coal haul road system in coal producing counties which shall include all public highways, roads and streets over which quanities, of coal, sufficient to significantly affect the condition and state of repair of such highways, roads and streets, have been transported in the immediately preceding fiscal year. The department shall further publish the total mileage of the official state coal haul road system within each coal producing county. The amount appropriated to each county shall be determined by multiplying thirty-three and one-third percent (33 1/3 %) of the amount received by the fund pursuant to subsection (7) by a fraction the numerator of which shall be the total miles of official coal roads in each coal producing county and the denominator of which shall be the total miles of official coal roads in all coal producing counties. The remaining sixty-six and two-thirds percent (66 2/3 %) of the amounts appropriated in subsection (7) by a fraction the numerator of which shall be the total gross value of coal severed and/or processed in each coal producing county and the denominator of which shall be the total gross value of coal severed and/or processed in all coal producing counties during the calendar year next preceding that for which allocations of the fund are made.

(9) Every person shipping or transporting coal, and every carrier for hire or common carrier hauling coal over the public highways, roads and streets shall file with the department of transportation such

information and at such intervals as the department shall designate by regulation duly adopted for the purpose of identifying those highways, roads and streets comprising the coal haul road system and the quanities of coal transported thereon.;

and on page 10, line 7, by deleting "Section 7." and substituting in lieu thereof "Section 8.".

On the roll call the vote was yeas 59-J. Allen, W. Allen, Bendl, Bennett, Benson, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Head, Hines, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Lindsay, Little, Mann, Marcum, McBee, Morris, Noe, Overstreet, Patrick, Petty, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, Williams, Yates. Nays 29-Adams, Arnold, Beshear, Blythe, Carpenter, Clarke, Craddock, Cyrus, DeMarcus, Hancock, Holbrook, Hurst, Jones, Kleier, Layman, LeMaster, List, May, McNutt, O'Brien, P. Richardson, Sale, Schmidt, Thomas, Trevey, Wells, Wilborn, Worthington, Wright.

Floor amendment No. 6 to the Committee Substitute to **HB 546** was adopted.

Representative Fitzgerald moved the adoption of the following Floor Amendment No. 7 to the Committee Substitute to **HB 546:**

Amend printed copy of Committee Substitute for House Bill 546, page 10, line 6, by inserting after line 6 the following:

"SECTION 7. A NEW SECTION OF KRS 177 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created a coal impact road fund, hereinafter referred to as the "fund", in the state treasury to be administered by the department of transportation. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used for the construction of public roads or for any other activities administered by the department of transportation including the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge only in "coal impact counties" as defined in subsection 3 of this section and not in "coal producing counties" as defined in KRS 177.960(3).

(3) As used in this section, "coal impact county" shall mean a county in which coal was not severed within the meaning of Chapter 143 of the Kentucky Revised Statutes after July 1, 1978, but one through which coal is regularly transported over public highways, roads or streets designated as a part of the state coal road public highways, roads or streets designated as a part of the state coal road system by the department of transportation. On or before August 15, 1979, and each year thereafter, the department of transportation shall publish a directory, including supporting maps and other documents, designating the official state coal road system in coal impact and coal producing counties which shall include all public highways, roads, and streets over which quanities of coal sufficient to significantly affect the condition and state of repair of such highways, roads and streets, have been transported in the immediately preceeding fiscal year. The department shall further publish the total county mileage of the official state coal road system and the total ton/miles within each coal impact and coal producing county for said preceeding fiscal year.

(4) Every person shipping or transporting coal, and every carrier for hire or common carrier hauling coal over the public highways, roads and streets shall file with the department of transportation such information and at such intervals as the department shall designate by regulation duly adopted for the purpose of identifying those highways, roads and streets comprising the coal haul road system and the quantities of coal transported thereon, in order that the department can accurately calculate total ton/miles within each coal impact and coal producing county.

(5) On or before August 15, 1979, and each year thereafter, the secretary of the executive department for finance and administration shall notify the secretary of the department of transportation and the fiscal court of each coal impact county of the total amount in the fund available for expenditure within each such county, which shall be calculated for each fiscal year of the biennium by multiplying the total amount appropriated to or otherwise received by the fund by a fraction the numerator of which shall be the total ton/miles in each coal impact county and the denominator of which shall be the total ton/miles in all coal impact counties during the fiscal year next preceding that for which allocations of the fund are made.

(6) Within thirty (30) days thereafter the bureau of highways shall consult with the fiscal courts of each coal impact county for the purpose of receiving recommendations from said fiscal courts for the selection of public highways, roads, streets and bridges for construction, reconstruction, repair and maintenance as provided in KRS 177.330, 177.340 and 177.350, provided, however, that nothing herein shall be construed to limit expenditures from the fund upon secondary and rural roads.

(7) There is appropriated to the fund for expenditure in accordance with this Act in fiscal year 1979-80, twenty-five percent (25%) of the total coal severance taxes received during the fiscal year 1978-79 in excess of one hundred sixty-five million, seven hundred seventy-five thousand, six hundred forty-four dollars ($165,775,644) and for expenditure in accordance with this Act in fiscal year 1980-81 twenty-five percent (25%) of the total severance tax received during the fiscal year 1979-80 in excess of one hundred ninety-two million, two hundred seventy-seven thousand, eight hundred ninety-four dollars ($192,277,894) and thereafter during each succeeding fiscal year there is appropriated to the fund one-seventy-second (1/72) of the total severance taxes received during the immediately preceeding fiscal year. Any unexpended balance remaining in the fund at the close of each fiscal year shall not lapse, but shall continue to the next fiscal year for expenditure in accordance with this Act.";

and by renumbering Section 7 as Section 8.

On the roll call the vote was yeas 96-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richarson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

Floor Amendment No. 7 to **HB 546** was adopted.

Representative Clarke moved the adoption of the Floor Amendment No. 8 to the Committee Substitute to **HB 546:**

Amend printed copy of House Committee Substitute for House Bill 546, page 10, after line 5, by inserting the following:

"Section 9. KRS 177.960 is amended to read as follows:

(1) There is hereby created an energy road fund, hereinafter referred to as the "fund", in the state treasury to be administered by the department of transportation. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used for the construction of public roads or for any other activities administered by the department of transportation including the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge only in "coal *transporting* [producing] counties" as defined in subsection (3) of this section.

(3) As used in this section, coal *transporting* [producing] county" shall mean a county in which coal is *regularly transported over public highways, roads, or streets, which are part of the official state coal road system. The department of transportation shall routinely monitor the use of public highways, roads, and streets and identify those public facilities which are regularly used in the transportation of coal. By August 1 of each year, the department of transportation shall publish a map representing the official state coal road system which shall consist of all public highways, roads, and streets over which significant amounts of coal have been regularly transported during the immediately preceding fiscal year, and the department shall simultaneously calculate and publish the official coal road mileage within each county of the Commonwealth* [was severed within the meaning of Chapter 142 of the Kentucky Revised Statutes and upon which severance the tax applicable thereto was reported and remitted prior to January 1, 1978].

(4) By August 15 *of each year* [, 1976 for fiscal year 1976-77, and by August 15, 1977 for fiscal year 1977-78], the commissioner of the executive department for finance and administration shall notify the

secretary of the department of transportation and the fiscal court of each coal *transporting* [producing] county of the total amount in the fund available for expenditure within each such county, which shall be calculated for each fiscal year of the biennium by multiplying the total amount appropriated to or otherwise received by the fund by a fraction the numerator of which shall be the total *miles of official coal roads* [producing] county and the denominator of which shall be the total *miles of official coal roads* [tons of coal severed] in all coal *transporting* [producing] counties during the fiscal year next preceding that for which allocations of the fund are made. *The determination of county coal road mileage shall be based upon the most recent official state coal road system as identified and published by the department of transportation.*

(5) Any balance remaining in the fund at the close of the *first* fiscal year *of the biennium* [1976-77] shall not lapse, but shall continue into *the second* fiscal year *of the biennium* [1977-78].

(6) Within thirty (30) days thereafter the bureau of highways shall consult with the fiscal courts of each coal *transporting* [producing] county for the purpose of receiving recommendations from said fiscal courts for the selection of public roads, highways, streets and bridges for construction, reconstruction, repair and maintenance as provided in KRS 177.330, 177.340 and 177.350, provided, however, that nothing herein shall be construed to limit expenditures from the fund upon secondary and rural roads.

On the roll call the vote was yeas 38-Adams, Arnold, Beshear, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, DeMarcus, Donnermeyer, Fitzgerald, Haering, Hancock, Holbrook, Hurst, Jones, Kenton, Layman, List, May, McBee, McNutt, O'Brien, Pearman, Plummer, P. Richardson, Riner, Robinson, Sale, Thomas, Trevey, Wells, White, Wilborn, Worthington, Wright. Nays 58-J. Allen, W. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Dunn, Foster, Gay, Gray, Guy, Head, Hines, Holloway, Imes, Isler, Johnson, Kidd, Kleier, LeMaster, Lindsay, Little, Mann, Marcum, Maynard, McKinney, Morris, Nett, Noe, Overstreet, Patrick, Petty, Priddy, Rattliff, Richards, B. Richardson, Romines, Schmidt, Siemens, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, Williams, Yates.

Floor Amendment No. 8 to the Committee Substitute to **HB 546** was rejected.

Representative B. Richardson moved that **HB 546,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 86-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wilborn, Williams, Worthington, Yates. Nays 7-DeMarcus, Haering, Patrick, Rattliff, Robinson, Trevey, Wright.

HB 546, by way of Committee Substitute as amended, was passed and the title agreed.

Representative B. Richardson moved that the vote by which **HB 546,** by way of Committee Substsitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 766, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that the rules be suspended to eliminate the twenty-four hour requirement on the Floor Amendment No. 1 filed to **HB 766.** Agreed.

Representative Benson moved the adoption of the Committee Amendment No. 1 to **HB 766.** Agreed.

Representative Benson moved the adoption of the following Floor Amendment No. 1 to **HB 766:**

Amend printed copy of **HB 766,** page 13, line 15, by inserting after the word "Act" the following language: "are issued on behalf of the commonwealth but".

Representative Benson moved that **HB 766,** as amended, be passed.

On the roll call the vote was yeas 47-J. Allen, Bendl, Bennett, Benson, Blythe, Brinkley, Brown, Bruce, Burch, Cyrus, Davenport, DeMarcus, Deskins, Donnermeyer, Dunn, Guy, Haering, Hancock, Hines, Isler, Jones, Kenton, Kidd, Kleier, Maynard, McBee, McKinney, Morris, Noe, Petty, Priddy, Richards, B. Richardson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Weinberg, Wilborn, Williams, Wright, Yates. Nays 31-Adams, W. Allen, Beshear, Boatwright, Burnette, Clarke, Fitzgerald, Foster, Gay, Gray, Holbrook, Hurst, Imes, Johnson, Layman, LeMaster, List, Marcum, McNutt, Nett, O'Brien, Overstreet, Patrick, Pearman, Plummer, Rattliff, P. Richardson, Robinson, Schmidt, Trevey, Van Horn.

HB 766, as amended, was passed and the title agreed to.

Representative Benson moved that the vote by which **HB 766,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 683, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Bennett moved the adoption of the following Floor Amendment No. 1 to **HB 683:**

Amend printed copy of **HB 683,** page 9, by adding the following:

"SECTION 9. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

Any provisions of this Act notwithstanding, no contractor shall be required to terminate an existing employe upon proof that that employe was employed prior to the date of the contract.

and by adding after line 26, the following:

"SECTION 10. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall require a contractor to hire anyone who fails to demonstrate the minimum skills required to perform a particular job."

Agreed.

Representative Williams moved that **HB 683,** as amended, be passed.

On the roll call the vote was yeas 60-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Brown, Bruce, Burch, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Hurst, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Marcum, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, F. Smith, Stone, Thomas, Weinberg, Wilborn, Williams, Yates. Nays 9- W. Allen, Guenthner, Imes, McBee, Plummer, R. Smith, Trevey, Turner, Van Horn.

HB 683, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 683,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

HB 107, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Adams moved the adoption of the Committee Substitute to **HB 107.** Agreed.

Representative Adams moved that **HB 107,** as amended, be passed.

On the roll call the vote was yeas 59-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Blythe, Boswell, Bruce, Carpenter, Clapp, Clarke, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Jones, Kidd, Lindsay, Mann, Marcum, May, Maynard, McBee, Morris, Nett, O'Brien, Overstreet, Pearman, Petty, Priddy, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, Stone, Turner, Van Horn, White, Wilborn, Williams, Worthington, Yates. Nays 3-Burnette, Imes, McNutt.

HB 107, by way of Committee Substitute, was passed and the title agreed to.

Representative Adams moved that the vote by which **HB 107,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 317 taken from the Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Jones moved that **HB 317** be passed.

On the roll call the vote was yeas 68-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Blythe, Boswell, Brinkley, Carpenter, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, LeMaster, Lindsay, List, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, P. Richardson, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, White, Wilborn, Yates. Nays 1-Trevey.

HB 317 was passed and the title agreed to.

Representative Jones moved that the vote by which **HB 317** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 347, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blythe moved the adoption of the Committee Amendment No. 1 to **HB 347.** Agreed.

Representative Blythe moved that **HB 347,** as amended, be passed.

Representative Williams moved that **HB 347,** as amended, be laid on the Clerk's desk.

On the roll call the vote as yeas 18-J. Allen, Beshear, Burch, Clarke, Donnermeyer, Hines, Johnson, Kenton, Kidd, Mann, Marcum, Nett, Noe, Stone, Thomas, Weinberg, Wilborn, Williams. Nays 58-Adams, W. Allen, Arnold, Bendl, Bennett, Blythe, Boswell, Brinkley, Burnette, Carpenter, Clapp, Cyrus, Davenport, Dawahare, Deskins, Dietz, Dunn, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kleier, Layman, LeMaster, List, May, McBee, McNutt, O'Brien, Overstreet, Patrick Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Turner, Van Horn, Wright, Yates.

The motion that **HB 347** be laid on the Clerk's desk was rejected.

On the roll call the vote was yeas 74-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Blythe, Boatwright, Boswell, Brinkley, Burch, Burnette, Carpenter, Clapp, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kleier, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, McNutt, Morris, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Trevey, Turner, Van Horn, Wells, White, Wright, Yates. Nays 11-Beshear, Clarke, Hines, Johnson, Kenton, Kidd, Nett, Noe, Weinberg, Wilborn, Williams.

HB 347, as amended, was passed and the title agreed to.

Representative Blythe moved that the vote by which **HB 347,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker resumed the Chair.

HB 289, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved the adoption of the Committee Substitute to **HB 289.** Agreed.

Representative Boswell moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute to **HB 289:**

Amend printed copy of House Committee Substitute to **HB 289,** page 1, line 10, delete the word "or", and on page 1, line 12, delete the "." after "(d)" and insert the words "or (d) a judgment for suspension of an operator's license rendered in accordance with KRS 187.410."

Agreed.

Representative Gray moved that **HB 289** by way of Committee Substitute as amended, be passed.

Representative Wright moved that **HB 289,** by way of Committee Substitute as amended, be laid on the table.

On the roll call the vote was yeas 36-Adams, J. Allen, W. Allen, Arnold, Bendl, Beshear, Blythe, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Foster, Gay, Holbrook, Holloway, Johnson, Jones, Kenton, Kidd, Kleier, Layman, Marcum, McKinney, Morris, Nett, Plummer, Rattliff, B. Richardson, P. Richardson, Robinson, Schmidt, Trevey, Wells, Wright. Nays 44-Bennett, Boswell, Brinkley, Clapp, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Gray, Haering, Hancock, Head, Imes, Isler, LeMaster, List, Little, Maynard, McBee, McNutt, Noe, Overstreet, Pearman, Petty, Priddy, Riner, Romines, Sale, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Yates.

The motion that **HB 289,** by way of Committee Substitute as amended, be laid on the table was rejected.

On the roll call the vote was yeas 44-J. Allen, Bendl, Bennett, Boatwright, Boswell, Brown, Clapp, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guenthner, Hancock, Head, Hurst, Imes, Isler, Jones, Layman, LeMaster, List, Little, Maynard, McBee, Morris, Overstreet, Pearman, Petty, Priddy, Romines, R. Smith, Stone, Thomas, Van Horn, Weinberg, Wilborn, Worthington, Yates. Nays 48-Adams, W. Allen, Arnold, Benson, Beshear, Blythe, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Foster, Guy, Haering, Hines, Holbrook, Holloway, Johnson, Kenton, Kidd, Kleier, Lindsay, Mann, Marcum, May, McKinney, McNutt, Nett, O'Brien, Patrick, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, Stewart, Trevey, Turner, Wells, White, Wright.

HB 289, by way of Committee Substitute as amended, was defeated.

Representative B. Richardson moved that the vote by which **HB 289,** by way of Committee Substitute as amended, was defeated by reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

HB 476 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved that **HB 476** be passed.

On the roll call the vote was yeas 85-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 476 was passed and the title agreed to.

Representative Yates moved that the vote by which **HB 476** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 611 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **HB 611** be passed.

On the roll call the vote was yeas 65-Adams, J. Allen, Beshear, Boatwright, Boswell, Brown, Burnette, Beshear, Boatwright, Boswell, Brown, Burnette, Carpenter, Clapp, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Dunn, Fitzgerald, Foster, Guenthner, Guy, Head, Hines, Holbrook, Holloway, Imes, Johnson, Jones, Kidd, Kleier, LeMaster, Lindsay, List, Little, Marcum, May, McBee, Morris, O'Brien, Overstreet, Patrick, Pearman, Petty, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 17-W. Allen, Bendl, Bennett, Benson, Blythe, Burch, Clarke, Donnermeyer, Haering, Hancock, Isler, Layman, Mann, McNutt, Nett, Plummer, Thomas.

HB 611 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 611** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 514 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Reprsentative Priddy moved the adoption of the following Floor Amendment No. 1 to **HB 514:**

Amend printed copy of **HB 514,** page 3, line 13, after the word "the" by inserting the following "southeast right-of-way line of the";

and on page 3, line 15, after the word "the" by inserting the following "west right-of-way line of the";

and, on page 3, line 16, after the word "the" by inserting the following "west right-of-way line of the".

Representative Priddy moved that **HB 514,** as amended, be passed.

On the roll call the vote was yeas 75-Adams, W. Allen, Bendl, Bennett, Benson, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 0.

HB 514, as amended, was passed and the title agreed to.

Representative Priddy moved that the vote by which **HB 514,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 526 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be ready by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bennett moved that **HB 526** be passed.

On the roll call the vote was yeas 70-Adams, W. Allen, Bendl, Bennett, Benson, Blythe, Boswell, Bruce, Burch, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Kidd, Kleier, Layman, LeMaster, List, Little, Marcum, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Wright, Yates. Nays 1-Fitzgerald.

HB 526 was passed and the title agreed to.

Representative Bennett moved that the vote by which **HB 526** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 713 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative LeMaster moved the adoption of the following Floor Amendment No. 1 to **HB 713:**

Amend printed copy of **HB 713,** page 1, line 16, by deleting "only";

and by deleting lines 17, 18 and 19 in their entirety and by substituting in lieu thereof the following: "by the clerk upon compliance with KRS 425.301(3) unless the defendant has requested a hearing, in which case a hearing shall be conducted pursuant to KRS 425.031.";

and by deleting lines 20 and 21 in their entirety;

and on page 2, by deleting lines 1 through 16 in their entirety;

and on page 3 by inserting the following:

"Section 4. KRS 425.301 is amended to read as follows:

The plaintiff may, at or after the commencement of an action, have an attachment against the property of the defendant, including garnishees, as a security for the satisfaction of such judgment as may be recovered:

(1) In an action for the recovery of money against:

(a) A defendant who is a foreign corporation or nonresident of the state; or

(b) Who has been absent herefrom for four (4) months; or

(c) Has departed herefrom with intent to defraud his creditors; or

(d) Has left the county of his residence to avoid the service of a summons; or

(e) So conceals himself that a summons cannot be served upon him; or

(f) Is about to remove, or has removed, his property, or a material part thereof, out of this state, not leaving enough therein to satisfy the plaintiff's claim, or the claims of said defendant's creditors; or

(g) Has sold, conveyed, or otherwise disposed of his property, with such intent. But an attachment shall not be granted on the ground that the defendant is a foreign corporation, granted on the ground that the defendant is a foreign corporation, or a nonresident of this state, for any claim other than a debt or demand arising upon a contract, express or implied, or a judgment or award.

(2) In an action for the recovery of money due upon contract, judgment or award, if the defendant has no property in this state subject to execution, or not enough thereof to satisfy the plaintiff's demand, and the collection of the demand will be endangered by delay in obtaining judgment or a return of no property found;

(3) *Before an order of attachment shall issue prior to judgement* [Where the property sought to be attached prior to judgment is earnings, as defined in KRS 427.005], the person seeking the order [of garnishment] must first make a demand in writing at [,] or after the time the suit is filed, by delivering such demand *and a copy of the complaint, motion and summons* to the debtot or by sending *them* [it] to him by registered or certified mail, return receipt requested, to his last known place of residence, at least seven (7) and not more than sixty (60) days before such order is sought. The demand shall contain a statement in substance that the debtor has seven (7) days in which to petition the court for a hearing or in which to pay the amount claimed in the complaint in full, and that unless a hearing is set or the amount paid, an order [of garnishment] will be sought to subject his *property* [earnings] to payment of the claim. The statement shall identify the court in which the suit has been filed, the grounds therefor, the date of the demand, and the amount of the claim, and the name and address of the plaintiff and his attorney. An affidavit of the plaintiff or his attorney evidencing compliance with this section shall be filed before an order [of garnishment] shall be issued.

SECTION 5. A NEW SECTION OF KRS CHAPTER 425 IS CREATED TO READ AS FOLLOWS:

(1) Before a writ of possession shall issue by the clerk, the person seeking the writ must first make a demand in writing at or after the time the suit is filed, by delivering such demand and a copy of the complaint, motion and summons to the defendant or by sending them to him by registered or certified mail, return receipt requested, to his last known place of residence, at least seven (7) and not more than sixty (60) days before such order is sought. The demand shall contain a statement in substance that the defendant has seven (7) days in which to petition the court for a hearing or in which to pay the amount claimed in the complaint in full, and that unless a hearing is set or the amount paid, a writ of possession will issue. The statement shall identify the court in which the suit has been filed, the grounds therefor, the date of the demand, the amount claimed, and the name and address of the plaintiff and his attorney. An affidavit of the plaintiff or his attorney evidencing compliance with this subsection shall be filed before a writ shall be issued.

(2) The writ of possession shall be issued by the clerk upon compliance with subsection (1) of this section unless the defendant has requested a hearing, in which case a hearing shall be conducted pursuant to KRS 425.031.";

and on page 3, line 10, by changing "Section 4" to read "Section 6";

and on line 10 by inserting the following at the end of the line after the comma "425.016, Issuance of writ, 425.021, Service of pleadings on defendant, 425,027, Notice of application and hearing";

and on line 11, by deleting "is" and substituting in lieu thereof "are".

Representative LeMaster moved that **HB 713,** as amended, be passed.

On the roll call the vote was yeas 70-Adams, W. Allen, Bendl, Bennett, Benson, Beshear, Brinkley, Bruce, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kidd, Kleier, Layman, LeMaster, List, Little, Marcum, Maynard, McBee, McKinney, Morris, Nett, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Wright, Yates. Nays 3-Blythe, Brown, Overstreet.

HB 713, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 713,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 718 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **HB 718** be passed.

On the roll call the vote was yeas 72-Adams, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Burnette, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Mann, Marcum, Maynard, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Plummer, Rattliff, B. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, White, Wilborn, Wright, Yates. Nays 2-Petty, Williams.

HB 718 was passed and the title agreed to.

Representative Clarke moved that the vote by which **HB 718** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 83 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Weinberg moved the adoption of **HR 83.**

On the roll call the vote was yeas 72-Adams, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Head, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Little, Mann, Marcum, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Richards, B. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 3-W. Allen, Guenthner, Rattliff.

HR 83 was passed and the title aagreed to.

Representative B. Richardson moved that the vote by which **HR 83** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 99 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72-Adams, W. Allen, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Burnette, Clapp, Craddock, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kleier, Layman, LeMaster, Lindsay, Little, Marcum, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, White, Williams, Worthington, Wright, Yates. Nays 0.

HCR 99 was passed and the title agreed to.

HJR 35 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of **HJR 35.**

On the roll call the vote was yeas 53-Adams, Bendl, Bennett, Benson, Blythe, Brown, Bruce, Carpenter, Craddock, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Kenton, Kidd, LeMaster, Little, Mann, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Petty, Richards, B. Richardson, P. Richardson, Robinson, Romines, F. Smith, R. Smith, Stewart, Thomas, White, Williams, Worthington, Wright, Yates. Nays 20-W. Allen, Beshear, Boatwright, Boswell, Brinkley, Haering, Hurst, Johnson, Jones, Layman, Lindsay, Marcum, Overstreet, Patrick, Plummer, Schmidt, Siemens, Stone, Turner, Van Horn.

HJR 35 was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 35** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

HB 13, as amended, taken from Orders of the Day. Represenative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved the adoption of the following Floor Amendment No. 2 to **HB 13:**

Amend printed copy of House Bill 13, page 15, line 5, by deleting "unless prior";

and by deleting lines 6 and 7 in their entirety;

and on line 14, by deleting the period and inserting the following after the word "kindred":

If the child within six (6) months from the date of the appointment of the administrator or executor of the estate files a written statement with the administrator or executor stating that he intends to partake in the administration of the estate. Any affidavit acknowledging paternity or certified copy of any court order in which paternity was established shall be filed prior to the death of the child or the father in the office of the county clerk who shall keep them in an appropriate book. The county clerk shall receive $2.00 for filing such affidavits or court orders."

and by inserting after line 18, the following:

"*(4) The provisions of this section only apply to estates of persons who died on or after the effective date of this Act."*

Agreed.

Representative Bendl moved that **HB 13,** as amended, be passed.

On the roll call the vote was yeas 52-Arnold, Bennett, Benson, Beshear, Blythe, Burch, Carpenter, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hancock, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kidd, Kleier, Mann, Marcum, Maynard, McNutt, Morris, Noe, O'Brien, Overstreet, Petty, Riner, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Wilborn, Williams, Yates. Nays 13-W. Allen, Boatwright, Boswell, Brinkley, Burnette, Guenthner, Head, Hurst, Layman, Lindsay, Patrick, Plummer, Worthington.

HB 13, as amended, was passed and the title agreed to.

Representative Bendl moved that the vote by which **HB 13,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 632 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that **HB 632** be passed.

On the roll call the vote was 78-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Mann, Marcum, Maynard, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 4-W. Allen, DeMarcus, Schmidt, Turner.

HB 632 was passed and the title agreed to.

Representative Deskins moved that the vote by which **HB 632** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 238, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Arnold moved the adoption of the Committee Amendment No. 1 to **HB 238.** Agreed.

Representative Arnold moved that **HB 238,** as amended, be passed.

On the roll call the vote was yeas 52-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Blythe, Boatwright, Brown, Carpenter, Clarke, Craddock, Dawahare, DeFalaise, Dunn, Fitzgerald, Foster, Haering, Hancock, Hines, Holloway, Hurst, Johnson, Jones, Kidd, LeMaster, Lindsay, Mann, Marcum, Maynard, Nett, Noe, O'Brien, Patrick, Pearman, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, F. Smith, Stone, Thomas, Wells, Wilborn, Worthington, Wright, Yates. Nays 20-Beshear, Boswell, Brinkley, Cyrus, DeMarcus, Donnermeyer, Gray, Guenthner, Head, Imes, Isler, Layman, McBee, McNutt, Morris, Priddy, Riner, R. Smith, Van Horn, Williams.

HB 238, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 238,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 339, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved the adoption of the Committee Substitute to **HB 339.** Agreed.

Representative Clarke moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute to **HB 339:**

Amend printed copy of Committee Substitute for House Bill 339, page 7, line 26, by bracketing "125,000" and inserting in lieu thereof "175,000".

Agreed.

Representative Hancock moved that **HB 339,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 76-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, Little, Mann, Marcum, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stone, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 339 by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Hancock moved that the vote by which **HB 339** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 413, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Little moved the adoption of the Committee Amendment No. 1 to **HB 413.** Agreed.

Representative Little moved that **HB 413,** as amended, be passed.

On the roll call the vote was yeas 73-W. Allen, Bennett, Benson, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, Little, Mann, Marcum, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 0.

HB 413, as amended, was passed and the title agreed to.

Representative Little moved that the vote by which **HB 413,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker resumed the Chair.

HB 465 taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **HB 465** be passed.

On the roll call the vote was yeas 72-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, Mann, Marcum, Maynard, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 465 was passed and the title agreed to.

Representative Wells moved that the vote by which **HB 465** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 468, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Nett moved the adoption of the Committee Amendment No. 1 to **HB 468.** Agreed.

Representative Nett moved that **HB 468,** as amended, be pased.

On the roll call the vote was yeas 73-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clarke, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Mann, Marcum, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 468, as amended, was passed and the title agreed to.

Representative Nett moved that the vote by which **HB 468,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 530 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Williams moved the adoption of Committee Amendment No. 1 to **HB 530.** Agreed.

Representative Williams moved the adoption of the following Floor Amendment No. 1 to **HB 530:**

Amend printed copy of **HB 530,** page 1, line 4, by deleting the words "or found" and by deleting the words "not guilty" on line 5, and by deleting the words "or found not guilty" on line 8.

Agreed.

Representative Williams moved that **HB 530,** as amended, be passed.

On the roll call the vote was yeas 72-Adams, W. Allen, Bendl, Bennett, Benson, Beshear, Blythe, Brinkley, Brown, Burch, Burnette, Carpenter, Clarke, Craddock, Cyrus, Davenport, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Mann, Marcum, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Thomas, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 4-DeMarcus, Guenthner, Imes, McNutt.

HB 530, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 530,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 541 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 76-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Brinkley, Brown, Burch, Burnette, Carpenter, Clarke, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, Lindsay, Mann, Marcum, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Thomas, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 1-LeMaster.

HB 541 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 541** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 644 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that the rules be suspended to eliminate the twenty-four hour time requirement for the filing of Floor Amendment No. 1 to **HB 644.**

Representative Hancock moved the adoption of the following Floor Amendment No. 1 to **HB 644:**

Amend printed copy of House Bill 644, page 3, on line 11, by deleting ";" and

on line 12, by deleting "*(a)*", and by placing a bracket, " [" in front of "If", and by deleting the words "*is a member of the county employes*"; and

on line 13, by deleting "*retirement system and*", and by placing a bracket "]", after "55"; and

on line 14, by deleting "*his*", and by removing the brackets around the word "the", and by deleting "*if he*", and by deleting the bracket in front of "of"; and

on line 15, by deleting the bracket after "who"; and

on line 17, by deleting "*; and*"; and

by deleting lines 18 through 22 in their entirety.

Agreed.

Representative Hancock moved that **HB 644,** as amended, be passed.

On the roll call the vote was yeas 73-Adams, Arnold, Bendl, Benson, Beshear, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Imes, Isler, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 9-W. Allen, Blythe, Clarke, Craddock, Holbrook, Jones, Plummer, Siemens, Trevey.

HB 644, as amended, was passed and the title agreed to.

Representative Hancock moved that the vote by which **HB 644,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 646 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved that **HB 646** be passed.

On the roll call the vote was yeas 75-Adams, Bendl, Bennett, Benson, Beshear, Blythe, Brown, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 1-Gray.

HB 646 was passed and the title agreed to.

Representative Siemens moved that the vote by which **HB 646** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 650 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved that **HB 650** be passed.

On the roll call the vote was yeas 79-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 650 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 650** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 657, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved the adoption of the Committee Substitute to **HB 657.** Agreed.

Representative Morris moved that **HB 657,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 81-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Craddock, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, Riner, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 2-Cyrus, B. Richardson.

HB 657, by way of Committee Substitute, was passed and the title agreed to.

Representative Morris moved that the vote by which **HB 657,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 698 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Isler moved that **HB 698** be passed.

On the roll call the vote was yeas 67-Adams, W. Allen, Arnold, Bendl, Bennett, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Fitzgerald, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, Mann, Marcum, May, Maynard, McNutt, Morris, Noe, O'Brien, Overstreet, Petty, Plummer, Richards, B. Richardson, P. Richardson, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Yates. Nays 16-Benson, Beshear, Blythe, Donnermeyer, Dunn, Foster, Guenthner, Nett, Patrick, Pearman, Priddy, Rattliff, Riner, Romines, Wells, Wright.

HB 698 was passed and the title agreed to.

Representative Isler moved that the vote by which **HB 698** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 699 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative White moved that **HB 699** be passed.

On the roll call the vote was yeas 67-W. Allen, Bendl, Bennett, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Head, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McKinney, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 17-Adams, Arnold, Benson, Beshear, Blythe, Boatwright, Clarke, Guy, Haering, Hancock, Imes, Marcum, McNutt, Morris, Overstreet, Rattliff, P. Richardson.

HB 699 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 699** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 722 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Imes moved that **HB 722** be passed.

On the roll call the vote was yeas 65-Arnold, Bendl, Bennett, Benson, Boswell, Brinkley, Brown, Burch, Carpenter, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Imes, Isler, Kenton, Kidd, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Pearman, Priddy, B. Richardson, P. Richardson, Riner, Robinson, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Wells, White, Williams, Wright, Yates. Nays 19-Adams, W. Allen, Beshear, Blythe, Burnette, Clarke, DeFalaise, Holbrook, Jones, Layman, Marcum, McNutt, Overstreet, Patrick, Plummer, Rattliff, Richards, Schmidt, Wilborn.

HB 722 was passed and the title agreed to.

Representative Imes moved that the vote by which **HB 722** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 757 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83-Adams. W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Brown, Carpenter, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Wright, Yates. Nays 0.

HB 757 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 757** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HJR 74 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 59-Adams, Arnold, Bendl, Bennett, Benson, Boswell, Brinkley, Brown, Carpenter, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Hancock, Hines, Holbrook, Hurst, Imes, Isler, Jones, Kenton, Kidd, Kleier, Little, Mann, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Siemens, F. Smith, R. Smith, Stone, Thomas, Weinberg, Wilborn, Williams, Wright, Yates. Nays 18-W. Allen, Blythe, Burnette, Davenport, Deskins, Haering, Head, Layman, LeMaster, Lindsay, Marcum, Overstreet, Patrick, Pearman, Rattliff, Trevey, Van Horn, White.

HJR 74 was passed and the title agreed to.

Representative Imes moved that the vote by which **HJR 74** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HJR 79, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of the Committee Amendment No. 1 to **HJR 79.** Agreed.

Representative Fitzgerald moved the adoption of the Committee Amendment No. 2 to **HJR 79.** Agreed.

Representative Fitzgerald moved that **HJR 79,** as amended, be passed.

Representative Benson moved the adoption of the following Floor Amendment No. 2 to **HJR 79:**

Amend printed copy of **HJR 79** on page 1, by deleting the third and fourth WHEREAS clauses and inserting in lieu thereof:

"WHEREAS, special advisory bodies representing local officials and lay citizens, closely linked to the interim committee system of the General Assembly, have provided and will continue to provide sufficient public input for the framing and evaluation of complex intergovernmental issues; and

WHEREAS, the use of special advisory bodies for the study of local and intergovernmental issues can be made more effective, efficient, and economical by channeling their public input through the interim committee system;" and on

page 1, line 2, by inserting after the word "commission" the words "as a special subcommittee of the legislative research commission"; and on

page 3, lines 5 through 26, by deleting lines 5 through 26 in their entirety; and on

page 4, lines 1 through 26, by deleting lines 1 through 26 in their entirety; and on

page 5, lines 1 through 18, by deleting lines 1 through 18 in their entirety and inserting in lieu thereof:

"Section 3. The local government statute revision commission shall be composed of the members of the interim joint committee having jurisdiction over counties and the interim joint committee having jurisdiction over cities. The chairman of the commission shall be the chairman of the interim joint committee having jurisdiction over counties, and the vice chairman shall be the chairman of the interim joint committee having jurisdiction over cities."; and on

page 5, lines 20 and 21, by deleting the words "local government statute revision" and inserting in lieu thereof: "legislative research commission".

On the roll call the vote was yeas 29-Adams, W. Allen, Bendl, Benson, Beshear, Brinkley, Burch, Clarke, Davenport, DeFalaise, Hancock, Holloway, Hurst, Johnson, Jones, Kleier, Layman, Holloway, Hurst, Johnson, Jones, Kleier, Layman, List, Marcum, Maynard, McNutt, Morris, O'Brien, Pearman, Plummer, Priddy, Riner, Schmidt, Siemens. Nays 39-Arnold, Bennett, Boswell, Burnette, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Head, Isler, Kenton, LeMaster, Lindsay, Little, Mann, McBee, Noe, Overstreet, Patrick, Rattliff, B. Richardson, Romines, F. Smith, R. Smith, Thomas, Trevey, Van Horn, Wells, White, Wilborn, Worthington, Wright, Yates.

Floor Amendment No. 2 to **HJR 79** was rejected.

On the roll call the vote was yeas 53-Adams, Arnold, Bennett, Beshear, Boatwright, Boswell, Carpenter, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Guy, Haering, Head, Holbrook, Holloway, Isler, Jones, Kenton, Kleier, LeMaster, Lindsay, List, Little, Mann, McBee, Morris, Nett, Noe, O'Brien, Petty, Plummer, Richards, B. Richardson, P. Richardson, Robinson, F. Smith, R. Smith, Stone, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 25-W. Allen, Benson, Blythe, Brown, Burch, Davenport, Dunn, Hancock, Hurst, Johnson, Layman, Marcum, Maynard, McNutt, Overstreet, Patrick, Pearman, Priddy, Rattliff, Riner, Romines, Schmidt, Siemens, Trevey, Van Horn.

HJR 79, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 79,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 290, SB 281, SB 135, HB 36** with Amendments, **HB 67** with Amendment, **HB 318** with Amendment, **HB 75, HB 316, HB 234, HB 42, SB 272, SB 358, SB 334, SB 304,** and **SB 204.**

Orders of the Day (continued)

HCR 88 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Noe moved that **HCR 88** be passed.

On the roll call the vote was yeas 73-W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brown, Carpenter, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HCR 88 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 88** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 81 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 66-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brown, Carpenter, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, Marcum, McBee, McKinney, McNutt, Nett, O'Brien, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stone, Van Horn, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 5-Layman, Patrick, Pearman, Rattliff, Trevey.

HCR 81 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 81** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HJR 89 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Worthington moved that **HJR 89** be passed.

On the roll call the vote was yeas 64-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brown, Carpenter, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Haering, Hancock, Head, Holbrook, Holloway, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, Marcum, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, Stone, Trevey, Van Horn, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 4-W. Allen, DeMarcus, Layman, Rattliff.

HJR 89 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 89** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 102 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 57-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Boswell, Brinkley, Brown, Craddock, Davenport, Dawahare, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Holbrook, Holloway, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Little, Mann, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, Stone, Van Horn, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 9-W. Allen, Blythe, DeFalaise, DeMarcus, Layman, Pearman, Plummer, Rattliff, Trevey.

HCR 102 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 102** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 111 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that **HCR 111** be passed.

On the roll call the vote was yeas 52-Adams, Bendl, Bennett, Benson, Beshear, Boatwright, Boswell, Brinkley, Carpenter, Craddock, Cyrus, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Hancock, Head, Hines, Holloway, Isler, Kenton, Kidd, Kleier, LeMaster, Little, Mann, Marcum, McBee, McKinney, McNutt, Morris, Nett, Noe, Petty, Priddy, Richards, B. Richardson, Riner, Romines, Sale, Siemens, F. Smith. R. Smith, Stone, Wells, Wilborn, Williams, Yates. Nays 14-W. Allen, Blythe, Brown, Davenport, DeMarcus, Fitzgerald, Layman, Overstreet, Patrick, Pearman, Plummer, Rattliff, Trevey, Van Horn.

HCR 111 was passed and the title agreed to.

Representative Bendl moved that the vote by which **HCR 111** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Consent Orders of the Day

HB 659 and **HB 704** taken from Consent Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that they be read by title only and placed upon passage. Agreed by a majority of members elected.

Representative B. Richardson moved that **HB 659** be passed.

On the roll call the vote was yeas 69-Adams, Arnold, Bendl, Bennett, Benson, Blythe, Boatwright, Boswell, Brinkley, Brown, Carpenter, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Head, Hines, Holbrook. Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Marcum, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 659 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 659** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 704** be passed.

On the roll call the vote was yeas 59-Adams, Bendl, Bennett, Benson, Blythe, Boatwright, Boswell, Brinkley, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Hines, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Marcum, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Van Horn, Weinberg, Williams, Worthington, Wright, Yates. Nays 1-Wilborn.

HB 704 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 704** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 590, HB 595, HB 596, HB 597,** and **HB 598** be recommitted to the Committee on Judiciary-Statutes. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions be deferred and that they retain their position in Orders of the Day. Agreed.

Announcements

The clerk announced the filing of the following Floor Amendments to Bills and Resolutions.

Floor Amendment No. 1 to **HR 84** by Representative Riner.

Floor Amendment No. 1 to **HB 644** by Representative B. Richardson.

Floor Amendment No. 1 to **HB 644** by Representative Hancock.

Floor Amendment No. 1 to **HB 759** by Representative Deskins.

Floor Amendment No. 2 to **HB 759** by Representative Deskins.

Floor Amendment No. 1 to **HB 766** by Representative Benson.

Floor Amendment No. 1 to **SB 47** by Representative Wilborn.

Floor Amendment No. 1 to **SB 72** by Representative B. Richardson.

Floor Amendment No. 3 to **SB 92** by Representative Foster.

Floor Amendment No. 3 to **SB 102** by Representative Cyrus.

Floor Amendment No. 2 to **SB 114** by Representative Adams.

Floor Amendment No. 3 to **SB 114** by RepresentativeP. Richardson.

Floor Amendment No. 1 to **SB 124** by Representative B. Richardson.

Floor Amendment No. 1 to **SB 223** by Representative Marcum.

Floor Amendment No. 1 to **SB 226** by Representative Mann.

Floor (Title) Amendment to **SB 252** by Representative Siemens.

Floor Amendment No. 1 to Committee Substitute for **SB 252** by Representative Donnermeyer.

Floor Amendment No. 2 to Committee Substitute for **SB 252** by Representative B. Richardson.

Floor Amendment No. 3 to Committee Substitute for **SB 252** by Representative Siemens.

Floor Amendment No. 1 to **SB 264** by Representative Boswell.

Floor (Title) Amendment to **SB 276** by Representative Mann.

Floor Amendment No. 1 to **SB 276** by Representative Mann.

Floor Amendment No. 1 to **SB 292** by Representative Wilborn.

Representative B. Richardson moved the rules be suspended for the Introduction of Bills and Resolutions, Report of Committees and Clerical duties. Agreed.

Introduction of Bills and Resolutions

HR 125, by Representative DeFalaise: A RESOLUTION urging the Department for Human Resources to study the adequacy and reasonableness of the administrative regulations pertaining to personal care homes in the Commonwealth.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration.

Public Utilities: **HB 503, SB 266.**

State Government: **SB 258, SB 336, SB 324, SB 356, SCR 46, SJR 55.**

Health and Welfare: **SCR 45, SB 346, SB 353.**

Agriculture and Natural Resources: **SB 273.**

Banking and Insurance: **SB 331, SB 259.**

Report of Committees

The Committee on Judiciary-Statutes reported **HB 196, HB 679, HB 743, SB 162** with Committee Amendment attached thereto, **SB 328,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 196, AN ACT relating to construction of statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 446.010 is amended to read as follows:
As used in the statute laws of this state, unless the context requires otherwise:
(1) "Action" includes all proceedings in any court of this state;
(2) "Animal" includes every warmblooded living creature except a human being;
(3) "Attorney" means attorney at law;
(4) "Bequeath" and "devise" mean the same thing;
(5) "Bequest" and "legacy" mean the same thing, and embrace either real or personal estate, or both;
(6) "Cattle" includes horse, mule, ass, cow, ox, sheep, hog or goat of any age or sex;
(7) "Company" may extend and be applied to any corporation, company, person, partnership, joint stock company or association;
(8) "Corporation" may extend and be applied to any corporation, company, partnership, joint stock company or association;
(9) "Cruelty" as applied to animals includes every act or omission whereby unjustifiable physical pain, suffering or death is caused or permitted;
(10) "Directors", when applied to corporations, includes managers or trustees;
(11) "Domestic", when applied to corporations, means all those incorporated or formed by authority of this state;
(12) "Domestic animal" means any animal converted to domestic habitat;
(13) "Federal" refers to the United States;
(14) "Foreign", when applied to corporations, includes all those incorporated or formed by authority of any other state;
(15) "Humane society", "society", or "Society for the Prevention of Cruelty to Animals", means any nonprofit corporation, organized under the laws of this state and having as its primary purpose the prevention of cruelty to animals;
(16) "Issue", as applied to the descent of real estate, includes all the lawful lineal descendants of the ancestors;

(17) "Juvenile court" means the juvenile session of district court;

(18) "Land" or "real estate" includes lands, tenements and hereditaments and all rights thereto and interest therein, other than a chattel interest;

(19) "Legatee" and "devisee" convey the same idea;

(20) "May" is permissive;

(21) "Month" means calendar month;

(22) "Oath" includes "affirmation" in all cases in which an affirmation may be substituted for an oath;

(23) "Owner" when applied to any animal, means any person having a property interest in such animal;

(24) "Peace officer" includes sheriffs, constables, coroners, jailers, marshals, policemen, *federal agents who have the power of arrest from the United States government* and other persons with similar authority to make arrests;

(25) "Penitentiary" includes all of the state penal institutions except the houses of reform;

(26) "Person" may extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships and joint stock companies;

(27) "Personal estate" includes chattels, real and other estate that passes to the personal representative upon the owner dying intestate;

(28) "Regular election" means the election in even numbered years at which members of Congress are elected and the election in odd numbered years at which state officers are elected.

(29) "Shall" is mandatory;

(30) "State" when applied to a part of the United States, includes territories, outlying possessions and the District of Columbia; "any other state" includes any state, territory, outlying possession, the District of Columbia, and any foreign government or country;

(31) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted for an oath;

(32) "United States" includes territories, outlying possessions and the District of Columbia;

(33) "Vacancy in office", or any equivalent phrase, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county or district, or otherwise;

(34) "Violate" includes failure to comply with;

(35) "Will" includes codicils; "last will" means last will and testament;

(36) "Year" means calendar year; and

(37) "City" includes town.

HB 679, AN ACT relating to persons under disability.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 389.045 is amended to read as follows:

(1) The court shall appoint a suitable person, as commissioner, to execute its judgment.

(2) The court shall cause the title of the property to be conveyed by a commissioner to the purchaser, without warranty.

(3) The conveyance must be acknowledged before and approved by the court, and be certified by its clerk to the clerk of the county court for record.

(4) In the actions for investment authorized by KRS 389.010 the court shall order the proceeds of sales to be invested, subject to its approval, in real estate in or out of this state, or in bonds of the United States or of this state, or in the stock of a bank of this state, *or in any investment which the court shall deem appropriate and prudent,* subject to the same uses, trusts and limitations as the estate sold was subject to.

(5) If the owner of real estate which may have been sold under the provisions of this chapter die during infancy; or being incompetent, die intestate; and upon privy examination as is authorized by this chapter, or without disposing in the manner authorized by law of the property in which the proceeds may have been invested, the person who would have been entitled to the property, if it had not been sold, shall be entitled to the proceeds, or to the property in which they have been invested.

(6) All persons interested in the property must be made parties; and, if objection to the sale be made by a defendant having a joint interest, his share shall not be sold, but the property may be divided, and a sale of the shares of those desiring it may be ordered, if such division and sale can be made without materially impairing the value of the property or of the plaintiff's interest therein.

(7) If a deed or will give to a trustee a discretionary power to sell the property, the court shall not have power to order a sale of it without the consent of the trustee.

HB 743, AN ACT relating to deadly weapons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 527.020 is amended to read as follows:

(1) A person is guilty of carrying a concealed weapon when he carries concealed a firearm or other deadly weapon on or about his person.

(2) Peace officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.

(3) Policemen directly employed by state, county, city or urban county governments may carry concealed deadly weapons on or about their persons at all times within the Commonwealth of Kentucky, when expressly authorized to do so by the government employing the officer.

(4) *A deadly weapon shall not be deemed concealed on or about the person if it is located in a glove compartment, console compartment, or similar receptacle regularly installed in a motor vehicle by its manufacturer regardless of whether said compartment is locked, unlocked, or does not have a locking mechanism.*

(5) Carrying a concealed weapon is a Class A misdemeanor unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used or displayed in which case it is a Class D felony.

SB 162, AN ACT relating to crime victims' compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 346 IS CREATED TO READ AS FOLLOWS:

(1) Every person contracting with any person or the representative or assignee of any person accused or convicted of a crime in this state, with respect to the reenactment of such crime, by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind, or from the expression of such person's thoughts, feelings, opinions, or emotions regarding such crime, shall pay over to the board any moneys which would otherwise, by terms of such contract, be owing to the person so accused or convicted or his representatives.

(2) After deducting all sums paid to the victim by the board, the board shall deposit such moneys in its accounts for the benefit of and payable to any victim of crimes committed by such person, provided that such person is eventually convicted of the crime and provided further that such victim, within five (5) years of the date of the crime, brings a civil action in a court of competent jurisdiction and recovers a money judgment against such person or his representatives.

(3) Upon disposition of charges favorable to any person accused of committing a crime, or upon a showing by such person that five (5) years have elapsed from the board's receipt of such funds and that such person has not been convicted of said crime and further that no actions are pending against such person in connection with the crime or pursuant to this section, the board shall immediately pay over any such moneys to such person.

(4) Notwithstanding any inconsistent provision of the civil practice law and rules with respect to the timely bringing of an action, the five-year period provided for in paragraph two of this section shall not begin to run until the board has received such moneys.

(5) Any action taken by any person convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of this section shall be null and void as against the public policy of this state.

(6) The failure of a person to pay moneys to the board in accordance with subsection (1) shall create a debt due and owing to the board from that person and shall constitute a preferential lien to the state which may be collected by the board by civil process.

Section 2. KRS 346.060 is amended to read as follows:

(1) A claim may be filed by a person eligible to receive an award, as provided in KRS 346.050, or, if such person is a minor, by his parent or guardian.

(2) A claim must be filed by the claimant not later than *one year* [ninety (90) days] after the occurrence of the criminally injurious conduct upon which such claim is based, or not later than *one year* [ninety (90) days] after the death of the victim [, provided, however, that upon good cause shown, the board

may extend the time for filing for a period not exceeding one (1) year after such occurrence].

(3) Claims shall be filed in the office of the board in person or by mail. The board shall accept for filing all claims submitted by persons eligible under subsection (1) of this section and alleging the jurisdiction requirements set forth in this chapter and meeting the requirements as to form in the rules and regulations of the board.

(4) Upon filing of a claim pursuant to this chapter, the board shall promptly notify the Commonwealth attorney or county attorney of the county wherein the crime is alleged to have occurred. If, within ten (10) days after such notification, such Commonwealth attorney or county attorney advises the board that a criminal prosecution is pending upon the same alleged crime and requests that action by the board be deferred, the board shall defer all proceedings under this chapter until such time as such criminal prosecution has been concluded and shall so notify such Commonwealth or county attorney and the claimant. When such criminal prosecution has been concluded such Commonwealth or county attorney shall promptly so notify the board. Nothing in this section shall limit the authority of the board to grant emergency awards pursuant to KRS 346.120.

Section 3. KRS 346.110 is amended to read as follows:

[(1)] Within thirty (30) days after receipt of the copy of the report containing the final decision of the board, the attorney general or claimant may *file* [commence] a proceeding in the Franklin Circuit Court to review the decision of the board. *A copy of the filing and complaint shall be served upon the claimant or the attorney general and the board in the manner provided by the rules of civil procedure.* Such proceeding shall be heard in a summary manner and shall have precedence over all other civil cases in such court.

[(2) Any such proceeding shall be commenced by the service of notice thereof upon the claimant or attorney general and the board in person or by mail.]

The Committee Amendment to **SB 162** is as follows:

Amend printed copy of **SB 162,** page 3, line 6, by deleting "*one year*" and inserting in lieu there of "*six months*";

and on line 8, by deleting "*one year*" and substituting in lieu thereof "*six months*".

SB 328, AN ACT relating to defrauding secured creditors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 517.060 is amended to read as follows:

(1) A person is guilty of defrauding secured creditors when he destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with intent unlawfully to hinder enforcement of that interest.

(2) Defrauding secured creditors is a Class A misdemeanor *unless the value of the property subject to the security interest is $100 or more, in which case it is a Class D felony.*

The Committee on Business Organizations and Professions reported **SB 226** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 226, AN ACT relating to the regulation of recreational and retirement use lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 324 IS CREATED TO READ AS FOLLOWS:

The general assembly finds and declares that the sale and offering for sale of recreation and retirement use land, the sale of which is often premised upon future completion of improvements by the subdivider, affects a great number of the citizens of this state and that regulation of such promised improvements in recreation and retirement use land is essential.

SECTION 2. A NEW SECTION OF KRS CHAPTER 324 IS CREATED TO READ AS FOLLOWS:

Unless the context otherwise requires, the following terms shall mean:

(1) "Recreational and retirement use" land shall mean that land which is sold and promoted with primary emphasis on the land's value for recreational purposes or for retirement purposes. In order to carry out the purposes of this Act, the commission may by regulations further define the term "Recreational and Retirement Use" of land;

(2) "Offer" includes every inducement, solicitation, or attempt to encourage a person to acquire an interest in land;

(3) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, partnership, unincorporated association, two (2) or more of any of the foregoing having a joint or common interest or any other legal or commercial entity;

(4) "Purchaser" means a person who acquires or attempts to acquire or succeeds to an interest in land;

(5) "Subdivider" means any owner of subdivided land who offers it for disposition or the principal agent of such owner.

(6) "Subdivision and subdivided lands" means any land which is divided or is proposed to be divided for the purpose of disposition into ten (10) or more lots, parcels, units, or interests and also includes any land whether contiguous or not if ten (10) or more lots, parcels, units, or interests are offered as a part of a common promotional plan of advertising and sale;

(7) "Commission" means the Kentucky real estate commission.

SECTION 3. A NEW SECTION OF KRS CHAPTER 324 IS CREATED TO READ AS FOLLOWS:

(1) In the sale or offering for sale of any subdivision which is primarily directed toward recreational or retirement use, in the sale of which any improvements are advertised but not completed, the subdivider shall furnish a bond payable to the Kentucky real estate commission in an amount equal to the costs of all such improvements, included but not limited to roads, lakes, golf courses, and stables which are so advertised prior to the sale of any such land or property. Such bond shall remain in effect until the advertised improvements are made and if not completed within a time deemed reasonable by the commission shall, after hearing, be forfeited to the commission for the use and benefit of the purchasers of the property. Upon completion of the promised improvements and production of a verified statement to this effect the subdivider may petition the commission for release of the bond.

(2) If the land or property offered for sale by the subdivider is located outside of the Commonwealth of Kentucky and is sold both to Kentucky residents and residents of other jurisdictions, the commission may accept a bond as described in subsection (1) of this section equal to the pro rata share of improvements for that property that is reasonably anticipated to be sold to Kentucky residents.

(3) In lieu of the bonding requirements appearing in subsection (1) of this section, a subdivider may, with the approval of the commission, place in an approved escrow account fifty percent (50%) of receipts of sales of such subdivided lots until the amount necessary to make the improvements has been accumulated or the improvements advertised by the subdivider made. If the improvements are not made within a reasonable time as determined by the commission, such escrow account, after hearing, shall revert to the benefit of the subdivision purchasers.

SECTION 4. A NEW SECTION OF KRS CHAPTER 324 IS CREATED TO READ AS FOLLOWS:

It shall be unlawful for any subdivider to offer for sale recreational or retirement use land in which the improvements as described in Section 3(1) of this Act have not been made unless the provisions of all of Section 3 of this Act have been met.

SECTION 5. A NEW SECTION OF KRS CHAPTER 324 IS CREATED TO READ AS FOLLOWS:

(1) Persons offering for sale recreational and retirement use land as defined in this Act shall register with the Kentucky real estate commission. The commission, after ascertaining that the applicant has complied with Section 3 of this Act, shall issue a registration number to the person, which must appear in any advertising engaged in by the registrant to promote recreational and retirement use land sales in Kentucky.

(2) The commission may charge each registrant a fee not to exceed ten dollars ($10.00), plus such additional fees as the commission finds necessary to cover any extraordinary investigational costs necessary to investigate the registrant pursuant to this Act.

SECTION 6. A NEW SECTION OF KRS CHAPTER 324 IS CREATED TO READ AS FOLLOWS:

The Kentucky real estate commission shall promulgate rules and regulations which will ensure an adequate disclosure to the purchaser of recreational and retirement use land the probable costs of any necessary maintenance of improvements of such land which may accrue in the future, including but not limited to the costs of taxes, assessments, belonging to an association, costs of inflation, and repairs or improvements. Such disclosure shall be made both orally and in writing prior to the sale of such land.

SECTION 7. A NEW SECTION OF KRS CHAPTER 324 IS CREATED TO READ AS FOLLOWS:

No lots or property shall be sold which are primarily to be used for recreation and retirement use, unless the road system and grading to all such lots are completed in such a manner as to allow a full and complete ingress and egress.

SECTION 8. A NEW SECTION OF KRS CHAPTER 324 IS CREATED TO READ AS FOLLOWS:
Whenever the attorney general has reason to believe that any person is offering recreational and retirement use land for sale in violation of this Act or any rules or regulations issued by the commission pursuant to Section 6 of this Act, and that proceedings would be in the public interest, he may move in the name of the Commonwealth in a circuit court for a restraining order or temporary or permanent injunction to prohibit such offer. The action may be brought in the circuit court in the county in which such person resides or has his principal place of business or in the circuit court of the county in which the unlawful offer or sale has been or is about to be committed, or in the county in which the land is situated.

Section 9. KRS 324.990 is amended to read as follows:
(1) Any person who violates any provision of this chapter shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or imprisoned for a term not to exceed six (6) months, or both. Upon conviction, in addition to the aforesaid fine, there shall be added to the fine the amount of any real estate brokerage commission paid or received as a result of the violation or violations in question. Each transaction shall be regarded as a separate offense and shall be punished as such.
(2) A violation of Sections 3, 4, 5 and 7 of this Act is a Class C felony.
(3) Either the attorney general or the appropriate Commonwealth attorney shall have authority to prosecute violators of Sections 3, 4, 5 and 7 of this Act.

The Committee on State Government reported **HB 499,** with Committee Substitute No. 2, with the expression of opinion that the same should pass. Ordered delivered to the Committee on Rules.

The Second Committee Substitute to **HB 499** is as follows:

HB 499, AN ACT relating to domestic abuse.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS CHAPTER 408 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:
This Act shall be known and may be cited as the "Domestic Abuse Act."

SECTION 2. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO READ AS FOLLOWS:
The purpose of this chapter is:
(1) To allow family and household members who are victims of domestic abuse to obtain effective, short-term protection against further abuse such that the lives of the non-abusing family or household members will be as secure and as little disrupted as possible.
(2) To expand the ability of law-enforcement officers to effectively respond to situations of domestic abuse so as to prevent further incidents of abuse and to assist the victims of such abuse.
(3) To provide for the collection of data concerning domestic abuse in an effort to reduce the reliance on physical violence as a means of resolving domestic disputes through a more comprehensive analysis of its incidence and causes.

SECTION 3. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO READ AS FOLLOWS:
As used in this chapter:
(1) "Family and household members" means spouses, individuals who were formerly spouses, parents or children, or other persons related by consanguinity or affinity, or other household members.
(2) For purposes of obtaining any civil remedy provided for in this chapter, "abuse" means the occurrence of one (1) or more of the following acts between family or household members:
(a) Causing physical injury to another with or without a deadly or dangerous weapon.
(b) Placing another person in reasonable apprehension of imminent physical injury.
(c) Engaging in conduct which creates a substantial danger of physical injury to another person.
(d) Threatening to commit any crime likely to result in death or serious physical injury to another or likely to result in substantial property damage to another person.

SECTION 4. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO READ AS FOLLOWS:
(1) The district court shall have jurisdiction over all proceedings under this chapter. The petitioner's right to relief under this chapter shall not be affected by his or her leaving the residence or household to avoid further abuse.

(2) Any proceeding under this chapter shall be in accordance with the rules of civil procedure and any other applicable rules of court and shall be in addition to any other available civil or criminal remedies. Those rules of civil procedure relating to injunctive relief in circuit court shall to apply to proceedings in district court brought under this chapter.

SECTION 5. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO READ AS FOLLOWS:

(1) A person may seek relief under this chapter for himself, or any parent or adult household member may seek relief under this chapter on behalf of minor children by filing a verified petition with the district court alleging abuse by the respondent.

(2) A person may seek relief under this chapter notwithstanding that a petition for legal separation, annulment, or dissolution has not been filed in the case of a marital relationship.

SECTION 6. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO READ AS FOLLOWS:

(1) Upon the motion of either party a hearing shall be held at which the petitioner must prove the allegation of abuse by a preponderance of the evidence.

(2) Pending the hearing, the district court may enter such temporary orders, without notice, as it deems necessary to protect the petitioner or minor children from abuse, upon good cause as shown in a verified petition or affidavit. Immediate and present danger of abuse to the petitioner or minor children shall constitute good cause for purposes of this section. Relief under this section shall include, but not be limited to the provisions of subsection (1)(a) (b) and (c) of Section 7 of this Act.

(3) If a hearing under subsection (1) of this section is continued, the district court may make or extend such temporary orders under subsection (2) of this section as it deems necessary.

(4) All hearings shall be recorded.

SECTION 7. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO READ AS FOLLOWS:

(1) The district court shall be empowered to grant any protection order or approve any consent agreement to bring about a cessation of abuse of the petitioner or minor children, which may include, but not be limited to:

(a) Directing the respondent to refrain from abusing the petitioner or minor children.

(b) Granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner when the residence or household is jointly owned or leased by the parties or is owned or leased by the entirety or is owned or leased solely by the petitioner.

(c) When the respondent has a duty to support the petitioner or minor children living in the residence or household and the respondent is the sole owner or lessee, granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner, or allowing the respondent to provide suitable, alternate housing.

(d) Awarding temporary custody of or establishing temporary visitation rights with regard to minor children.

(e) Awarding temporary support to dependent spouse or minor children.

(2) Any protection order or approved consent agreement shall be for a fixed period of time not to exceed one (1) year. The district court may amend its order or agreement at any time upon subsequent petition filed by either party. Any order issued by a circuit court in any dissolution or legal separation proceeding pertaining to any matter covered by any district court order issued pursuant to this chapter, shall render that district court order null and void to the extent that any conflict exists between the terms of the respective orders.

(3) No order or agreement under this chapter shall in any manner affect title to any real property.

SECTION 8. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO READ AS FOLLOWS:

(1) When the district court is unavailable or if the district judge is out of the county, the petition may be filed before any trial commissioner in the petitioner's district, such trial commissioner may issue a temporary protective order under this Act.

(2) Any such order issued under this section and any documentation in support thereof shall be immediately certified to the appropriate district court. Such certification shall have the effect of commencing proceedings in that district court under Section 5 of this Act.

SECTION 9. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of law, a peace officer shall arrest and take a person into custody when the office is presented by the alleged victim with a certified or attested copy of an order issued pursuant either to KRS 403.160 or this chapter, or if the peace officer determines that such an order exists through verification by telephone or radio communication with the appropriate authorities, and that the person

has violated the terms of that order. The person shall be brought before the appropriate district court at the first available opportunity, to show cause, if any exists, why he should not be held in contempt of court for violation of the court's order. The person shall be accorded all rights available to any person charged with an offense.

(2) Upon violation of a protection order or a court approved consent agreement the court may hold the respondent in contempt and punish him in accordance with law.

SECTION 10. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO READ AS FOLLOWS:

(1) When a peace officer is at the scene of an alleged domestic disturbance and has probable cause to believe that a felony assault or related felony offense as defined in KRS Chapter 508 has occurred between family or household members, the peace officer shall arrest and take the alleged assailant in custody. If a misdemeanor assault or related misdemeanor offense as defined in KRS Chapter 508 is committed in the peace officer's presence, the peace officer shall arrest and take the alleged assailant into custody.

(2) A peace officer who reasonably believes that a person has been a victim of domestic abuse shall inform the victim of his right to seek a criminal warrant against the alleged assailant for the commission of any criminal offense defined in KRS Chapter 508, or to seek civil protection under this chapter.

SECTION 11. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO READ AS FOLLOWS:

The husband-wife privilege shall not be grounds for excluding evidence regarding any abuse of a family or household member or the cause thereof in any judicial proceeding resulting from a report pursuant to this chapter.

The Committee on State Government reported **SB 124** with Committee Amendment attached thereto, **SB 222** with Committee Amendment attached thereto, **SB 256, SB 299** with Committee Amendment attached thereto, **SB 307, SB 329, SCR 42** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 124, AN ACT relating to public officers and employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

There is hereby created an independent agency of state government to be known as the "financial disclosure review commission."

SECTION 2. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

(1) The financial disclosure review commission shall consist of five (5) members to be appointed by the governor as follows: one (1) member from a list of three (3) submitted by the Kentucky press association; one (1) member from a list of three (3) submitted by the Kentucky broadcasters association; one (1) member from a list of three (3) submitted by the Kentucky association of certified public accountants; one (1) member from the classification of state officers and employes covered by this Act; and one (1) member of the General Assembly.

(2) The members shall serve for a term of four (4) years or until their successors are duly appointed and qualified according to law. Members of the initial commission shall be appointed by January 1, 1979. Where lists are required prior to appointment, the lists for the initial commission shall be submitted by November 1, 1978.

(3) The members of the commission who are not otherwise public officers or employes shall be compensated at a rate of one hundred dollars ($100) for each day of meeting and be reimbursed for their actual and necessary expenses incurred in the course of conducting commission business.

(4) The commission shall employ an executive director who shall be compensated in accordance with KRS 64.640. The executive director shall be responsible for the day to day operation of the commission and shall employ the staff necessary to carry out the functions of the commission, subject to approval of the department of personnel.

SECTION 3. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

The commission shall annually review the financial status of the constitutional officers who are elected by the voters of the state at-large and major management personnel in the executive branch of state government, including the secretary of the cabinet, the governor's chief executive officers, cabinet secretaries, commissioners, deputy commissioners, principal assistants, division directors, members of the parole board, board of tax appeals, board of claims, public service commission, workmen's compensation board and the occupational safety and health review commission and full-time chief administrative officers of these and all other boards and commissions. The commission shall also review the personal financial status of other major management personnel and public officials whom it deems should be subject to such review.

SECTION 4. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

(1) Each official covered by this Act shall by April 15, 1979 file with the commission a financial statement reflecting all offices and employment held by him, his spouse and dependents, his major holdings and net worth as of January 1, 1979; and a bona fide copy of his income tax return for calendar year 1978. Thereafter, each such official shall submit such information to the commission with any necessary revision in his financial status by April 15 of each year. The commission may, by majority vote, extend the deadline for receipt of copies of income tax returns, but may not waive the requirement for filing copies of returns.

(2) The commission may prescribe forms and procedures necessary to implement the intent of this Act.

(3) The commission shall be empowered to question any official covered by this Act with respect to the information filed, and bring any information it deems necessary to the attention of the governor.

(4) The commission shall meet upon the call of the chairman, who shall be elected by the members.

SECTION 5. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Information filed with the commission shall be held confidential by the commission and shall at all times remain in the possession of the commission or its designated representative, except as provided in Section 4(3) of this Act.

Section 6. KRS 61.710 is amended to read as follows:

(1) KRS 61.710 to 61.780 apply to members of the General Assembly, [officials elected statewide,] judges of the Court of Appeals, circuit judges, commonwealth's attorneys and all candidates for all those offices [, department heads appointed under KRS 12.040, deputy department heads and directors of divisions appointed under KRS 12.050, and members of administrative boards and commissions appointed under KRS 12.070]. KRS 61.710 to 61.780 also apply to a person appointed to a vacancy in an unexpired term of any office mentioned above.

(2) KRS 61.710 to 61.780 also apply to:

(a) Any employe of a daily newspaper of 50,000 or more circulation published in Kentucky who either orally, or in writing contributes to the editorial policy of the newspaper; and

(b) Any employe of a radio or television station that is owned in common with a newspaper described above who directly or indirectly contributes to the editorial policy of the station.

The Committee Amendment to **SB 124** is as follows:

Amend printed copy of Senate Bill 124, page 2, line 9, by inserting the following after "business.":

The member of the general assembly appointed to the commission shall be deemed to represent the interests of the general assembly in overseeing the implementation of this Act and shall be compensated for attending meetings of the commission and for necessary expenses therefor as provided in KRS 7.090(2).".

SB 222, AN ACT relating to license fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 190.030 is amended to read as follows:

(1) No motor vehicle dealer, or motor vehicle salesman shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080. If any motor vehicle dealer acts as a motor vehicle salesman he shall secure a motor vehicle salesman's license in addition to a license for a motor vehicle dealer.

(2) No manufacturer of motor vehicles, or factory branch, or distributor or distributor branch, or wholesaler shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080.

(3) No factory representative or distributor representative shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080.

(4) Application for license shall be made to the licensor, at such time, in such form and contain such information as the licensor shall require and shall be accompanied by the required fee. The licensor may require in such application, or otherwise, information relating to the applicant's solvency, his financial standing or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which

said applicant proposes to engage in business, all of which may be considered by said licensor in determining the fitness of said applicant to engage in business as set forth in this section.

(5) All licenses shall be granted or refused within 30 days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted, except that where a complaint of unfair cancellation of dealer franchise is in the process of being heard, no replacement application for such franchise shall be considered until a decision is rendered by the board.

(6) The license fee for such calendar year, or part thereof, shall be as follows, effective January 1, 1967:

(a) For motor vehicle dealers, *one hundred dollars ($100)* [fifty dollars ($50.00)] for each office or branch or agent thereof, plus one dollar ($1.00) for a supplemental license for each used car lot not immediately adjacent to the office or to a branch.

(b) For motor vehicle manufacturers, fifty dollars ($50.00); and for each factory branch in this state, five dollars ($5.00).

(c) For distributors or wholesalers, the same as for dealers.

(d) For motor vehicle salesmen, five dollars ($5.00).

(e) For factory representative, or distributor branch representative, five dollars ($5.00).

(7) The licenses of dealers, manufacturers, factory branches, distributors, and distributor branches shall specify the location of the office or branch and must be conspicuously displayed there. In case such location be changed, the licensor shall indorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(8) Every salesman, factory representative or distributor representative shall carry his license when engaged in his business, and display the same upon request. The license shall name his employer, and in case of a change of employer, the salesman shall immediately mail his license to the licensor who shall indorse such change on the license without charge.

(9) Provided the licensor has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee with the provisions of this statute the licensor may require such applicant or licensee to furnish and maintain a bond in such form, amount and with such sureties as it shall approve, but not less than five thousand dollars ($5,000), nor more than fifteen thousand dollars ($15,000), conditioned upon such applicant or licensee complying with the provisions of the statutes applicable to the licensee and as indemnity for any loss sustained by any person by reason of any acts of the licensee constituting grounds for suspension or revocation of his license hereunder. The bonds shall be executed in the name of the state of Kentucky for the benefit of any aggrieved parties, but the penalty of said bond shall not be invoked except after a court adjudication thereof. The above bonding requirements shall not apply to manufacturers, factory branches, and their agents.

(10) Application for dealer's license shall be submitted to the department in duplicate and contains such information as the department may require. No motor vehicle dealer, unless licensed under KRS 190.010 to 190.080, shall be permitted to register, receive, or use any motor vehicle registration plates.

(11) Every motor vehicle dealer licensed in accordance with the provisions of this section shall make reports to the licensor at such intervals and showing such information as the licensor may require.

Section 2. KRS 316.040 is amended to read as follows:

When beginning the apprenticeship as required in KRS 316.030 the applicant shall come before the board and file a certificate of registration, under oath, showing that he is eighteen (18) years of age. The certificate shall have the name of the person under whom he will serve his apprenticeship, the date of registration, and a sworn statement by the person under whom he is registered that the applicant will do actual service, devoting all his working hours to the service, and will be paid a monthly salary. The applicant will pay a registration fee of *ten dollars ($10)* [five dollars ($5)]. He will affirm the requirements set out in the apprenticeship forms furnished by the board which state the applicant will serve three (3) consecutive years of apprenticeship, the one (1) year spent in embalming college to apply on his three (3) years' apprenticeship, with an additional two (2) years under the direct supervision of a licensed embalmer and licensed funeral director whose license is in full force and effect in Kentucky. The secretary of the board will furnish the applicant forms to keep a record of his working hours as an apprentice and he shall file these reports every six (6) months for a period of three (3) years with the secretary of the board. In these reports he will show the hours he has worked, the number of bodies he has assisted in preparing, and the salary paid him monthly. These forms shall be signed by him and the person under whom he is registered, their signatures being sworn to by a notary public whose commission is in full force and effect.

Section 3. KRS 316.050 is amended to read as follows:

After completing a course of study as required in KRS 316.030 and two (2) additional years of apprenticeship as required in KRS 316.040, any person desiring to take an embalmer's examination shall make a written application to the secretary of the board, accompanied by a fee of *thirty-five dollars ($35)* [twenty-five dollars ($25)] the application forms to be furnished by the board. He shall give detailed information as required in KRS 316.030 and KRS 316.040. He shall furnish the board with two (2) certificates of good moral character, the certificates to be signed and sworn to by a licensed embalmer and a licensed funeral director engaged in business in Kentucky and holding Kentucky embalmer and funeral director's licenses in full force and effect in Kentucky. If, after reviewing the application, the board finds the applicant has complied with all the requirements of law set out in this chapter, the secretary of the board shall notify the applicant that he is entitled to take the examination and the time and place of the examination.

Section 4. KRS 316.130 is amended to read as follows:

(1) No license granted under this chapter shall be issued or renewed for a period exceeding one (1) year. Every license and renewal shall expire on July 31 following the date of its issuance unless sooner revoked or canceled.

(2) Every licensed embalmer and every licensed funeral director who desires to continue to practice shall have his license renewed by filing an application for renewal with the secretary of the state board each year within thirty (30) days next before the expiration of his license, upon blanks furnished by the board. He shall pay a renewal fee of *twenty dollars ($20)* [ten dollars ($10)].

(3) No license granted under this chapter shall be transferable.

Section 5. KRS 320.280 is amended to read as follows:

(1) All optometrists desiring to continue practice shall annually, prior to March 1, secure from the secretary-treasurer of the board a renewal certificate upon the payment of a fee of not more than *seventy-five dollars ($75)* [thirty dollars ($30)]. Not later than February 15 of each year the secretary-treasurer shall notify by mail, all optometrists of the renewal date and fee. Application for a renewal shall be upon such form as is prescribed by the board and the optometrist shall furnish the information required by such form. As a prerequisite for license renewal, all optometrists now or hereafter licensed in the Commonwealth of Kentucky are and shall be required to take annual courses of study in subjects relating to the practice of optometry to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievement of research will assure expansive and comprehensive care to the public. The length of study shall be prescribed by the board but shall not exceed eight (8) hours in any calendar year. Attendance must be at a course or courses approved by the board. Attendance at any course or courses of study are to be certified to the board upon a form provided by the board and shall be submitted by each licensed optometrist at the time he makes application to the board for the renewal of his license and payment of his renewal fee. The board is authorized to use a portion of the annual renewal fees for the purpose of contracting with institutions of higher learning, professional organizations, or qualified individuals for the providing of educational programs that meet this requirement. The Board is further authorized to treat funds set aside for the purpose of continuing education as State funds for the purpose of accepting any funds made available under Federal law on a matching basis for the promulgation and maintenance of programs of continuing education. In no instance may the board require a greater number of hours of study than are available at approved courses held within the State. The board shall waive the continuing education requirement in cases of illness or undue hardship.

(2) Failure of any optometrist to secure his renewal certificate within sixty (60) days after March 1, shall constitute sufficient cause for the board to revoke his license.

Section 6. KRS 327.050 is amended to read as follows:

(1) To be eligible for licensure by the board as a physical therapist, an applicant must have a high school education or its equivalent as determined by the board, be of good moral character and a graduate of an accredited school of physical therapy approved by the board. No school shall be approved unless it has been accredited or approved by the Council on Medical Education of the American Medical Association, or the American Physical Therapy Association.

(2) Any person who possesses the aforementioned qualifications and who desires to be examined for licensure as a physical therapist in Kentucky shall make written application therefor to the board, on forms to be provided by the board, which shall be accompanied by an application fee determined by the board but not to exceed $75.00, no part of which shall be returned. If it appears from said application that the applicant possesses the qualifications required by this chapter, such applicant shall be admitted to the next scheduled examination in which his knowledge of anatomy, neuro-anatomy, kinesiology, physiology, pathology, psychology, neurology, medical ethics, technical procedures in the practice of physical therapy and such other subjects as the board may determine to be necessary, shall be tested.

(3) Examinations shall be held within the state at least once a year at such time and place as the board shall determine. Applicants who are admitted to the examination, may be granted temporary licenses which shall be valid until said applicants' examinations are graded and they are notified by the board of their score thereon. All applicants who receive a passing score as determined by the board shall be licensed as physical therapists and furnished with a certificate attesting thereto. This license shall be automatically renewed annually, without further examination, upon payment on or before January 31 of each year, of a renewal fee to

be fixed by the board [in an amount not to exceed $10.00]. Licenses which are not renewed by that date shall lapse, except that the board may reinstate a lapsed license upon payment of the renewal fee. Applicants who fail to receive a passing score on their examination shall not be licensed; but the board may, by regulation, permit applicants to take the examination more than once.

The Committee Amendment to **SB 222** is as follows:

Amend printed copy of Senate Bill 222, page 7, line 14, by deleting the words "*twenty dollars ($20)*" and inserting in lieu thereof the words "*twelve dollars and fifty cents ($12.50)*".

SB 256, AN ACT relating to administrative regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 13.080 is amended to read as follows:

As used in KRS 13.080 to 13.125:

(1) "Administrative body" means each state board, bureau, commission, department, division, authority, officer, or other entity, except the legislature and the courts, authorized by law to make regulations.

(2) "Subcommittee" means administrative regulation review subcommittee.

(3) "Regulation" means each statement of general applicability issued by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization procedure, or practice requirements of any administrative body. The term includes the amendment or repeal of a prior regulation, but does not include:

(a) Statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public, or

(b) Declaratory rulings, or

(c) Intradepartmental memoranda, or

(d) Statements relating to acquisition of property for highway purposes and statements relating to the construction or maintenance of highways, *or*

(e) Rules, regulations, and policies of the governing boards of institutions of higher education pertaining to students attending or applicants to such institutions or to the control and maintenance of land and buildings occupied by the respective institutions.

(4) "Affirmative consideration" means that an administrative body must either adopt suggestions or recommendations regarding a regulation or issue a concise statement setting forth the reasons for not adopting suggestions or recommendations regarding a regulation.

(5) Compliance with the provisions of KRS 13.080 to 13.125 does not dispense with the requirements of any other law necessary to make the regulation effective.

SB 299, AN ACT relating to coroners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

This Act may be cited as "The Kentucky Coroner's Act of 1978."

SECTION 2. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

In enacting legislation relating to coroners, the general assembly recognizes that the coroner is an elected constitutional peace officer. The general assembly also recognizes that the ascertainment of the cause and manner of death in cases in which the coroner has jurisdiction is an essential governmental service. It is the intent of this Act to encourage the coroner to participate in approved training sessions to improve his skills for the common weal and to cooperate with the state medical examiner program administered by the department for human resources.

SECTION 3. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context clearly indicates otherwise:

(1) "Coroner ordered autopsy" means a post-mortem examination ordered by the coroner having jurisdiction and performed by a pathologist pursuant to such authorization in order to ascertain the cause and manner of death in a coroner's case. In the event the pathologist suspects that death was due to poisoning, drugs, or alcohol, he may submit the appropriate specimen to a qualified chemist or toxicologist for analysis to

assist him in ascertaining the cause of death in a coroner's case.

(2) "Coroner's case" means a case in which the coroner has reasonable cause for believing that the death of a human being within his county was caused by homicide, crime, violence, accident, suicide, poison, drowning, illegal abortion, or unusual circumstances. It also includes death in any prison, jail, or penal institution; death while in police custody; death where unattended by a physician for more than thirty-six (36) hours prior to death; and all deaths where the body is to be cremated.

(3) "Inquest" means an examination ordered by the coroner, or in his absence, ordered by a deputy coroner, into the causes and circumstances of any death which is a coroner's case by a jury of six (6) residents of the county impaneled and selected by the coroner to assist him in ascertaining the cause and manner of death.

SECTION 4. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

(1) The coroner of each county shall investigate the cause and manner of all deaths that are defined by this Act as a coroner's case.

(2) The coroner may, in his sound discretion, when investigating a coroner's case, request the assistance of the district medical examiner and the state medical examiner program, order an autopsy and hold an inquest.

SECTION 5. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

For the purpose of enforcing the provisions of this Act, coroners and deputy coroners shall have the full power and authority of peace officers in this state, including the power of arrest and the authority to bear arms, and shall have the power and authority to administer oaths, to enter upon public or private premises for the purpose of making investigations, to seize evidence, to interrogate persons, to require the production of medical records, books, papers, documents, or other evidence, and to impound vehicles involved in vehicular deaths, employ special investigators and photographers, and to expend funds for the purpose of carrying out the provisions of this Act. The fiscal court or urban-county government shall pay all reasonable expenses incurred by the coroner in carrying out his responsibilities under the provisions of this Act.

Section 6. KRS 72.010 is amended to read as follows:

Every coroner shall execute bond with sureties approved by the county judge/executive. The bond shall be recorded in the office of the county clerk. The fact that the constitutional oath has been taken and the bond executed and the names of the sureties on the bond, shall be entered upon the records of the court. No jailer, sheriff or sheriff's deputy, county judge/executive, clerk or attorney shall be surety for the coroner on his official bond.*Every coroner shall have the authority to appoint deputy coroners. Deputy coroners shall execute a bond with sureties in accordance with the provisions of this section.*

Section 7. KRS 72.020 is amended to read as follows:

(1) Any person, *hospital or institution,* finding or having [in his] possession the body *of* any person slain, drowned or otherwise suddenly killed, or whose death occurred [from unnatural cause] without the attendance of a physician [,] *thirty-six (36) hours prior to death, or whose death occurred under any of the circumstances defined as a coroner's case under this Act* shall immediately notify the coroner, *or his deputy, or designee,* and shall not remove *nor permit the removal of* the body nor anything therefrom until directed to do so by the coroner or *his deputy or designee* [other authorized person].

(2) The coroner, *or his deputy or designee,* shall take possession of any objects, *medical specimens* or articles which, in his opinion, may be helpful in establishing the cause of death, and he can make or cause to be made such tests and examinations of said objects as may be necessary or useful in determining the cause of death. In the event that a criminal prosecution arises, all such objects and articles together with reports of any examinations made upon them, shall be retained by the coroner until their production in evidence is required by the prosecuting authority, unless otherwise directed by written order of the court in which such prosecution is pending.

(3) Upon final disposition of each criminal prosecution under this section, the court shall by appropriate written order dispose of all objects retained under the provisions of this section.

SECTION 8. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

(1) A coroner may, in his sound discretion, order an inquest in any coroner's case. The inquest shall be conducted by a coroner's jury consisting of six (6) reputable citizens of the county selected and sworn by the coroner. The coroner may issue subpoenas and subpoenas duces tecum. No supoenaed witness shall fail to appear as ordered. Application may be made by the coroner to the circuit court for punishment by contempt for failure to obey a coroner's subpoena.

(2) The coroner may employ stenographic services to record the proceeding. Payment for stenographic services shall be made by the fiscal court or urban-county government, whichever is appropriate, upon

certification by the coroner that the services were rendered.

(3) In the event the jury returns a verdict of murder, manslaughter, or other criminal act, the coroner shall arrest the named individual or notify the appropriate law enforcement authority to arrest such individual to be dealt with according to law. A copy of the verdict shall be filed with the appropriate circuit court clerk.

SECTION 9. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

In the event the death of a person is not a coroner's case, consent to an autopsy shall be obtained from the decedent, by written consent, signed and acknowledged prior to his death; or his or her spouse; or in the absence of a spouse, the next of kin of the decedent; or in the absence of any of the above, the person who assumes the responsibility to dispose of the body.

SECTION 10. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

No pathologist, toxicologist, chemist, or other authorized person shall be required to inquire into the authority of the coroner to order an autopsy to be performed. Any authorized pathologist, toxicologist, chemist, or other authorized person who participates in an autopsy or post-mortem examination, upon request of the coroner, shall have immunity from any civil liability that might otherwise be incurred or imposed.

SECTION 11. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

In the event it is necessary for the coroner to order a body to be transported or exhumed, payment therefor shall be made by the fiscal court or urban-county government, whichever is appropriate, upon certification by the coroner that the services were rendered.

SECTION 12. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

A coroner may, upon receipt of an affidavit from any person stating that he believes or has reasonable grounds to believe that a person who is dead and buried died from poisoning or other illegal cause, order the body exhumed and a post-mortem examination or autopsy conducted.

SECTION 13. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

In the event a coroner declines to order an autopsy or body exhumed for an autopsy, the county or commonwealth's attorney may petition the district or circuit court having jurisdiction to order an autopsy. In granting or denying such request, the court shall determine whether or not reasonable grounds exist for believing that the decedent may have died as a result of a criminal act.

SECTION 14. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

(1) A coroner who has possession of a dead body or a part thereof shall make a bona fide attempt to notify the spouse, if any, or next of kin of the decedent's death. In the event the coroner is unable to locate the spouse, if any, or next of kin, he may cause the body to be buried at the expense of the fiscal court or urban-county government, whichever is appropriate.

(2) In the event the body is buried at public expense, the coroner shall take possession of all money or other property found on or belonging to the decedent and shall deliver same to the fiscal court or urban-county government, whichever is appropriate. Any money or other property found on the body of the decedent or belonging to him shall be delivered by the coroner to the fiscal court or urban-county government, whichever is appropriate, to help defray burial expenses. Any excess funds shall escheat to such governmental agency one year thereafter.

(3) In lieu of having an unclaimed body buried at public expense, the coroner may deliver such body or part thereof to a state medical school in accordance with the provisions of KRS 311.300 to 311.350.

SECTION 15. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

The fiscal court, or urban-county government, whichever is appropriate, shall pay the expense of conducting a search for a body where such search has been ordered by the coroner.

SECTION 16. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

The cost of autopsies shall be paid for by the fiscal court; provided, however, that the department for human resources, medical examiner program, may contract with pathologists and toxicologists and chemists and pay for such autopsies within the budgetary limitations from funds appropriated by the general assembly for this purpose.

SECTION 17. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

(1) The coroner shall in his sound discretion determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this Act, and if inquiry reveals that the physician of record has sufficient knowledge to reasonably state the cause of a death occuring under

natural circumstances, the coroner may authorize such physician to sign the certificate of death. In all other instances the coroner shall sign the death certificate in coroner's cases.

(2) In the event an autopsy is performed under the provisions of this Act subsequent to the time that a death certificate has been filed with the department for human resources, office of vital statistics, the coroner shall notify the office of vital statistics of any change that may be necessary in the original certificate. The autopsy report shall be deemed the best evidence of the cause of death of the decedent.

SECTION 18. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

Any coroner, deputy coroner or designee thereof, acting in good faith within the scope of his official duties, shall have immunity from any civil liability that might otherwise be incurred or imposed.

Section 19. KRS 64.185 is amended to read as follows:

Coroners shall receive out of the county *or urban-county* treasury, *whichever is appropriate,* such monthly compensation as the fiscal court of each county shall fix, subject to the following minimums:

	County Population	Monthly Minimum Compensation
(a)	10,000 or less	$ 100
(b)	10,001 to 20,000	150
(c)	20,001 to 40,000	175
(d)	40,001 to 60,000	200
(e)	60,001 to 100,000	225
(f)	100,001 to 150,000	800
(g)	150,001 or more	1000

Provided, however, that coroners who hold a current certificate of continuing education, issued jointly by the bureau of training, department of justice, and the medical examiner program, department for human resources, shall be paid the following minimum monthly compensation set forth in this subsection in recognition of such training:

	County Population	Monthly Minimum Compensation
(a)	10,000 or less	$ 150
(b)	10,001 to 20,000	200
(c)	20,001 to 40,000	250
(d)	40,001 to 60,000	300
(e)	60,001 to 100,000	350
(f)	100,001 to 150,000	1000
(g)	150,001 or more	1200

(2) The initial course of continuing education required under subsection (1) shall consist of thirty (30) hours of approved classroom training. Annually thereafter the coroner shall attend and successfully complete at least twelve (12) hours of approved training in order to be compensated in accordance with subsection (1) of this section.

(4) In the event a deputy coroner assumes the office of coroner after receiving the training stipulated in subsections (1) and (2) of this section, the deputy coroner shall be compensated in accordance with the compensation schedule set forth in subsection (1) of this section.

SECTION 20. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

Any person who violates KRS 72.020(1) or who interferes with the coroner in the lawful performance of his duties shall be fined not less than two hundred fifty dollars ($250), or be confined in jail for not more than ninety (90) days, or both.

Section 21. KRS 72.030, Inquest— when to be held; 72.040, Deputy Coroner may hold inquest— Bond of Deputy; 72.050, Jury, when and how summoned - Pay; 72.060, Witnesses and testimony at inquest; 72.070, Post-mortem examination of unburied bodies; 72.072, County or city judge in cities of first or second class may order autopsy; 72.075, Restrictions on post-mortem examination; 72.080, Exhumed body— Post-mortem and investigation— Report to be filed; 72.090, Cost of inquest, Post-mortem— Payment; 72.100, Disposal of body and valuables found thereon; 72.110, Cost of search of sink or vault— How paid; 72.120, Person found guilty by inquest— Arrest of; 72.130, Deputy coroners in counties with population of 200,000; 72.140, Stenographer in county with population of 200,000; 72.150, Removing body from stream— Reward for; 72.990, Penalties; 72.991, Penalties, are repealed.

The Committee Amendment to **SB 299** is as follows:

Amend printed copy of Senate Bill 299, page 11, on line 18, by deleting "*$250*" and inserting in lieu thereof "*$400*"; and on line 19, by deleting "*$300*" and inserting in lieu thereof "*$475*"; and on line 20, by deleting "*$350*" and inserting in lieu thereof "*$600*".

SB 307, AN ACT relating to energy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established a department of state government to be known as the department of energy (hereinafter referred to in this chapter as the "department"). The department shall be headed by a secretary of the department of energy (hereinafter referred to in this chapter as the "secretary"). The secretary shall be appointed by and directly responsible to the governor in accordance with KRS 12.040. The secretary shall be bonded as provided in KRS 62.160 in the minimum amount of one hundred thousand dollars ($100,000).

(2) The deputy secretary shall be appointed by and directly responsible to the secretary in accordance with KRS 12.050. The deputy secretary shall assume all responsibility and authority vested in the secretary upon the absence of the secretary. The deputy secretary will have specific responsibility for intergovernmental, institutional, and industrial liaison and other such responsibilities as are assigned by the secretary.

(3) All functions, powers and duties now vested in the department of energy and the Kentucky center for energy research are hereby transferred and vested in the department. With the transfer of all functions, powers, and duties the following organizational units are hereby transferred to the department of energy:

(a) Department of energy as created by KRS Chapter 152A to department of energy;

(b) Kentucky center for energy research as created by KRS Chapter 152A to department of energy.

SECTION 2. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

There is established within the department a bureau of energy research and a bureau of production and distribution. Each bureau shall be headed by a commissioner appointed by and directly responsible to the secretary in accordance with KRS 12.050. The commissioners shall perform such functions, powers, duties as provided by law and as the secretary may prescribe.

SECTION 3. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The department of energy, in addition to the bureaus set forth in Section 2 of this Act shall consist of the following organizational units which are hereby created:

(1) Office of the secretary;
(2) Advisory council for energy and natural resources;
(3) Energy research board;
(4) Office of energy planning and evaluation;
(5) Office of administration.

SECTION 4. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The advisory council for energy and natural resources shall advise the secretary of energy and the secretary of natural resources and environmental protection on matters of mutual concern and potentially conflicting interest to both departments. The governor shall appoint seven (7) members representing environmental, consumer, energy, industry and other concerns. The term of office for council members shall be four (4) years except on the first council appointed, two (2) members shall be appointed for a term of two (2) years, two (2) for a term of three (3) years, and three (3) for a term of four (4) years. The council shall elect one (1) of its members as chairman, and one (1) of its members as secretary for a term of one (1) year. If a vacancy occurs on the council, the governor shall appoint a replacement for the remainder of the term.

SECTION 5. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

(1) The energy research board shall be attached to the office of the secretary. The energy research board shall consist of fifteen (15) members. The term of office for eight (8) members representing the private sector shall be four (4) years, except on the first board appointed, three (3) members shall be appointed for a term of two (2) years, two (2) for a term of three (3) years, and three (3) for a term of four (4) years. In addition to the above, other members of the board shall be the secretary of the development cabinet, the secretary of transportation, the secretary for natural resources and environmental protection, the secretary of the executive department for finance and administration, the secretary of the public protection and regulation cabinet and a representative of the Kentucky general assembly as appointed by the governor. The secretary of energy or his designee shall serve as the chairman.

(2) The board shall meet at least once each calendar quarter or more often on the call of the chairman, or with the chairman's approval, at the call of the vice chairman.

(3) The board shall be responsible for approving demonstration projects to be supported by the energy development and demonstration trust fund.

(4) The board is authorized to solicit, receive and administer federal or state agency funds in relation to federal or state programs of long-range energy planning research and demonstration projects.

(5) The secretary and the staff of the department shall serve as staff for the board. The board shall also advise the secretary in establishing long-range goals and objectives for the department. Members of the board shall not be otherwise compensated but shall be reimbursed for expenses incurred in connection with the exercise of their duties at the department.

SECTION 6. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The office of energy planning and evaluation shall be headed by an executive director who shall be appointed by and be directly responsible to the secretary in accordance with KRS 12.050. The office of energy planning and evaluation shall assume responsibility for coordinating departmental policies and programs; reviewing state, regional and national energy policies; and other functions and responsibilities that may be delegated by the secretary.

SECTION 7. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The office of administration shall be headed by an executive director who shall be appointed by and be directly responsible to the secretary in accordance with KRS 12.050. The office of administration shall have responsibility with regard to personnel, purchasing,' accounts and facilities management and other such responsibilities as are assigned by the secretary.

SECTION 8. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The bureau of energy research shall be headed by a commissioner, appointed by and be directly responsible to the secretary in accordance with KRS 12.050. The bureau of energy research shall be responsible for conducting and coordinating energy related research and development activities in Kentucky concerning coal, other fossil fuels and other organic fuels as well as solar and other renewable energy resources. The bureau shall have the responsibility for encouraging demonstration projects of promising technologies and processes for the direct utilization of coal, as well as for converting coal into environmentally acceptable fuels in liquid, gaseous, and solid forms. The bureau shall have responsibility for providing technical assistance to encourage the commercial application of new energy technologies by industries and others in Kentucky. The bureau of energy research shall have additional responsibility as assigned by the secretary. The bureau of energy research shall consist of the following organizational units which are hereby created:

(1) Division of technical assistance. The division of technical assistance within the bureau of energy research shall be headed by a director, appointed by the secretary upon recommendation from the commissioner. The division of technical assistance shall work with the federal, state and local governmental agencies and private industry in order to facilitate the commercial application of technologies and processes related to energy.

(2) Division of demonstration projects. The division of demonstration projects within the bureau of energy research shall be headed by a director, appointed by the secretary upon recommendation from the commissioner. The division of demonstration projects shall advise the commissioner of the bureau of energy research and the energy research board on all matters relative to the energy research and demonstration trust fund.

SECTION 9. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The bureau of energy research shall execute a research program designed to develop new and more effective an environmentally acceptable uses for coal and improve existing uses for Kentucky's fossil fuels and other natural resources. The department of energy may enter into contractural relationships with the institute of mines and minerals research at the university of Kentucky and such other research organizations as deemed appropriate to carry out such research.

SECTION 10. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The bureau of energy production and distribution shall be headed by a commissioner appointed by and directly responsible to the secretary in accordance with KRS 12.050. The bureau of production and distribution shall have responsibility for conducting research on the impact of current and future energy supply and demand on the Kentucky economy and perform research on transportation, manpower, materials and other appropriate areas that affect the production of fossil fuels. Prepare and maintain a continuous inventory of energy requirements and available supplies and capacities; develop major conservation programs involving all sections of the Kentucky economy and including broad public educational efforts as related to desirable conservation and utilization practices; formulate and update at least annually a contingency plan to cope with any energy shortages which may occur from time to time, and such other functions as delegated by the secretary. The bureau of energy production and distribution shall consist of the following organizational units which are hereby created:

(1) Division of conservation. The division of conservation shall be headed by a director appointed by the secretary, upon recommendation from the commissioner. The division of conservation shall have responsibility for conducting energy audits of educational facilities, state-owned buildings, and implementation of the Kentucky state energy conservation plans.

(2) Division of energy production. The division of energy production shall be headed by a director appointed by the secretary, upon recommendation from the commissioner. The division of energy production shall be responsible for implementing a program of energy demand projections and promote the efficient and effective production of energy and energy producing fuels in Kentucky through correlation of appropriate programs of other agencies.

(3) Division of energy distribution. The division of energy distribution shall be headed by a director appointed by the secretary, upon recommendation from the commissioner. The division of energy distribution shall have responsibility for, but not limited to, analyzing existing energy transportation needs and plans, transfer and storage facilities as well as working in cooperation with producers, and transporters.

SECTION 11. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The bureau of production and distribution shall be responsible for energy resource information. The department of energy may enter into a contractual agreement between the department and the Kentucky geological survey and such other organizations deemed necessary in order to perform this function.

SECTION 12. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The secretary shall establish the internal organization of the department not established in this Act and shall organize the department into such organizational units as the secretary deems necessary to perform the functions, powers, and duties of the department subject to the provisions of KRS Chapter 12.

SECTION 13. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The secretary shall have any and all necessary power and authority, subject to appropriate provisions of the statutes, to create such positions and to employ the necessary personnel in such positions as are required to enable the secretary to perform the function of the department.

SECTION 14. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

All appointments to positions not in the classified service shall be made pursuant to KRS 12.050 and such appointees shall be major assistants to the secretary and shall assist in the development of policy.

SECTION 15. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

All funds, credits, assets, appropriations, outstanding obligations, personnel, equipment, any and all resources or other tangible property and any business or other matter undertaken or now vested in the department of energy and the Kentucky center for energy research are hereby transferred and vested in the department.

SECTION 16. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

All rules, regulations, acts, agreements, determinations and decisions of the department of energy and the Kentucky center for energy research shall remain in effect within the department until duly modified or repealed by the secretary.

SECTION 17. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

Except as otherwise provided by law, the department shall administer all state programs and all state and federally funded grant programs related to energy except those conducted by institutions of higher education.

SECTION 18. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

The secretary may promulgate administrative regulations consistent with the provisions of this Act.

Section 19. KRS 11.065 is amended to read as follows:

(1) The heads of the executive department for finance and administration, department for human resources, department of justice, department for natural resources and environmental protection, department of transportation, cabinet for education and the arts, cabinet for development, *department of energy,* and the cabinet for public protection and regulation shall constitute the governor's executive cabinet. The governor

shall be the chairman and the commissioner for finance and administration shall be secretary and vice-chairman of the executive cabinet.

(2) The cabinet shall meet not less than twice a month and at other times on call of the governor or the secretary of the cabinet. The executive cabinet shall be a part of the office of the governor and shall not constitute a separate department or agency of the state. Members of the cabinet shall be the major assistants to the governor in the administration of the state government and shall assist the governor in the proper operation of his office and perform such other duties as the governor may require of them.

(3) The cabinet shall consider such matters involving policies and procedures as the governor or any member may place before it. The cabinet shall advise and consult with the governor on all matters affecting the welfare of the state.

Section 20. KRS 12.250 is amended to read as follows:

There is established within state government the following program cabinets:

(1) Cabinet for development.
(2) Cabinet for education and arts.
(3) Cabinet for public protection and regulation.
(4) Department of energy.

Section 21. KRS 12.265 is amended to read as follows:

The cabinets established in KRS 12.250 shall be composed of departments, boards and commissions as follows:

I. Cabinet for development
A. Department of agriculture
B. Department of commerce
C. Department of fish and wildlife resources
D. Department of parks
[E. Department of energy]
E. [F.] Kentucky historical events celebration commission
F. [G.] State fair board
G. [H.] Kentucky geological survey
H. [I.] Economic development commission
I. [J.] Governor's council on agriculture
J. [K.] Farmers advocate's office.
II. Cabinet for education and the arts
A. Kentucky arts commission
B. Department of education
C. The Kentucky authority for educational television
D. Kentucky heritage commission
E. Kentucky historical society
F. Department of library and archives.
III. Cabinet for public protection and regulation
A. Department of alcoholic beverage control
B. Department of banking and securities
C. Department of insurance
D. Department of labor
E. Department of mines and minerals
F. Kentucky registry of election finance
G. Public service commission
H. Kentucky quarterhorse and appaloosa commission
I. Kentucky state racing commission
J. Kentucky harness racing commission
K. Kentucky board of tax appeals.
IV. Department of energy
A. Bureau of energy research
B. Bureau of production and distribution.

Section 22. The reviser of statutes shall make all changes in the Kentucky revised statutes necessary and appropriate to carry out the intent of this Act in order that said statutes shall conform to the plan establishing and organizing the department of energy and specifically whenever "Kentucky center for energy research" appears in the presently existing statutes, either expressly, implied, or by words or reference the language shall be changed by the reviser of statutes to "department of energy".

Section 23. KRS 152A.010, Department of energy — Functions — Commissioner, 152A.020, Duties and functions of department; 152A.200, Energy resources advisory commission — Members; 152A.400, Kentucky center for energy research; and 152A.410, Board of energy research — Members — Duties, are repealed.

Section 25. Whereas, there is a current crisis in energy related areas and there is a necessity for better coordination among state agencies on matters dealing with energy an emergency is declared to exist and this Act shall become effective upon passage and approval by the governor.

SB 329, AN ACT relating to retirement annuities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 141.021 is amended to read as follows:

Notwithstanding the provisions of KRS 141.010, federal military retirement annuities shall be excluded from the gross income of persons fifty (50) years of age or older, and federal [civil service] retirement annuities shall be excluded from the gross income of persons *receiving annuities from a federal retirement system and who are* fifty (50) years of age or older, subject to the following limitations:

If Earned Income From Sources Other Than Annuities Described Above Is:	The Maximum Annuity Exclusion Is:
$3,000 or Less	$4,000
3,001 to 4,000	3,000
4,001 to 5,000	2,000
5,001 to 6,000	1,000
Over 6,000	0

SCR 42, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the problem of delinquent, abandoned or vacant property in cities and urban counties.

WHEREAS, the cities and urban counties of the Commonwealth of Kentucky contain numerous delinquent, abandoned or vacant properties; and

WHEREAS, in only a small percentage of cases do the tax delinquencies on these properties, even over a period of several years, amount to the assessed value of the properties; therefore there is no strong economic incentive for the delinquent property owner to settle up his back taxes; and

WHEREAS, cities and urban county governments continue to lose much needed revenue from such tax delinquencies;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. The Legislative Research Commission is directed to study the problem of delinquent, abandoned or vacant property in cities and urban counties in the Commonwealth of Kentucky, including the feasibility of such governments bringing foreclosure proceedings against properties themselves.

Section 2. The findings along with any recommendations shall be reported to the appropriate interim joint committee not later than June 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $8,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee on Appropriations and Revenue reported **SB 348**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 348, AN ACT relating to the allocation and expenditure of coal severance tax in coal producing counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

As used in KRS 42.330 to 42.340 the words:

(1) "Beneficiary agency" means an agency eligible to receive the benefit of a capital project to be wholly or partly financed out of the coal severance economic aid fund, including and limited to the fiscal courts of coal producing counties, political subdivisions, municipal corporations, special districts and agencies created pursuant to the Interlocal Cooperation Act, within coal producing counties, or any combination thereof; and, not-for-profit corporations organized for public purposes and performing governmental functions and services within coal producing counties;

(2) "Board" means the coal severance economic aid board established in coal producing counties by KRS 42.330;

(3) "Coal producing county" means a county in which coal was severed within the meaning of KRS Chapter 143 and upon which severance the tax applicable thereto was reported and remitted to the department of revenue by December 31 of each year;

(4) "Fund" means the coal severance economic aid fund established in the state treasury by KRS 42.330.

Section 2. KRS 42.330 is amended to read as follows:

(1) There is hereby created a coal severance economic aid fund, hereinafter referred to as the "fund", in the state treasury to be administered by the executive department for finance and administration. The fund may receive state appropriations, gifts, grants and federal funds *and shall be disbursed by the state treasurer upon the warrant of the secretary of the executive department for finance and administration. Any unallotted or unencumbered balances in the fund shall be invested in United States government securities maturing not later than one (1) year from the date of investment and the income earned from such investment shall be prorated for expenditure in coal producing counties according to each such counties allocable part in the fund.*

(2) Money in the fund shall be used only for capital projects *which contribute to community development in coal producing counties* [in "coal producing counties" as defined in subsection (3) of this section, consisting of general construction, renovation, maintenance, improvements, property acquisition, major items of equipment, and the costs relating to architectural design, construction and supervision of such capital projects, including, but not limited to, reclamation and industrial development projects and loans and grants in aid for capital purposes, KRS 45.040 notwithstanding, excluding, however, consumable and other usable supplies; appropriations having been made by other acts of the general assembly for road and school purposes in such counties, the fund shall not be used directly or indirectly for the acquisition, construction, reconstruction, renovation or maintenance of any school or school property or any road, street, highway or bridge]. *Capital projects eligible for financing out of the fund shall include and be limited to:*

(a) The construction, reconstruction, renovation and maintenance of buildings and other improvements to real estate;

(b) The acquisition of real property and interests in real property;

(c) The purchase of major items of equipment;

(d) Industrial site development projects, including but not limited to land reclamation, clearing, grading, draining, landscraping and the construction of walkways and fences;

(e) The extension and installation of water, gas, sewer, and electrial utilities lines to public facilities and industrial sites; and

(f) The provision of solid waste management or disposal systems bringing counties into compliance with state or federal law. All expenses incurred in connection with or incidental to the construction or acquisition of a capital project, including the costs of architectural, engineering, legal, and building construction services required for such projects, may be paid out of the fund. Money in the fund may be used to retire a mortgage or other indebtedness encumbering an eligible capital project made on and after January 1, 1977 to secure the repayment of monies loaned or advanced to finance the construction or acquisition of such capital project, and may be used in match or in combination with funds obtained from other sources for an eligible capital project. No money shall be expended out of the fund, directly or indirectly, to pay for consumable or other usable supplies, capital project feasibility studies, master plans for capital improvement development or

redevelopment projects or for the acquisition, construction, reconstruction, renovation or maintenance of any property of state institutions of higher learning, or of any road, street, highway or bridge.

[(3) As used in this section, "coal producing county" shall mean a county in which coal was severed within the meaning of Chapter 143 of the Kentucky Revised Statutes and upon which severance the tax applicable thereto was reported and remitted prior to January 1, 1976.]

(3) [(4)] There *shall be* [is hereby created] a coal severance economic aid board [, hereinafter referred to as "board",] in each coal producing county, to be comprised of the county judge/executive, *one member of the fiscal court selected by the fiscal court,* the *mayors* [mayor] of the *two* most populous *cities* [city] within said county, one member selected by the board or boards of education located within said county, and *four* [two] members at large who are residents of said county to be appointed by the governor. *The county judge/executive and mayor of the most populous city within the county shall serve, respectively as the chairman and vice chairman, ex officio of the board. If there is no city in a coal producing county, the governor shall appoint two residents of the most populous communities in the county to serve on the board.* The terms of *all appointed members of the board, including the member selected by the board or boards of education,* [membership] shall be for *two* [four] years *next following the dates of their appointments and until their successors are appointed, provided, however, that the terms of all board members originally appointed under provisions of Acts 1976, ch. 338, shall not expire until June 30, 1978* [commencing January 1, 1976]. Vacancies occurring in the *appointed* membership *of the board* shall be filled for the remainder of the unexpired term *in the same manner in which the original appointment was made. If either or both the county judge/executive or the mayor fail or refuse to serve on the board, the governor may appoint a resident of an unincorporated area of the county, a resident of the city or one of the representatives from the school board respectively to serve as the permanent alternate member of the board in place and stead of the officer so failing or refusing to serve. The appointment of such alternate member shall not displace the ex officio membership on the board of the county judge/executive or the mayor and they shall be entitled at will to take or resume their respective positions on the board.* [The county judge shall serve as chairman and the mayor shall serve as vice-chairman of the board.] In counties in which there are two (2) or more school boards, in the event an appointment shall not be made *of the member to be selected by the school boards* within thirty (30) days [after June 19, 1976, or within thirty (30) days] after a vacancy occurs during the term of such member or his successor, the governor shall make such appointment.

(4) [(5)] By August 15 *of each year,* [1976 for fiscal year 1976-77, and by August 15, 1977 for fiscal year 1977-78,] the *secretary* [commissioner] of the executive department for finance and administration shall notify the chairman of each board of the total amount in the fund available for expenditure within the applicable coal producing county. The amounts shall be calculated in accordance with the formula provided in *Section 4 of this Act* [Acts 1976, Chapter 338, Section 3].

(5) [(6)] Each board shall conduct meetings open to the general public for the purpose of soliciting recommendations for capital projects within the county and shall cause notice of the date, place, time and purpose of such meetings to be published once each week for three (3) consecutive weeks in the newspaper of largest general circulation in the county. Expenses incurred for meetings and for such publication shall be paid from the fund [upon the warrant by the commissioner of the executive department for finance and administration].

(6) [(7)] *As soon as practicable, but not later than* [Within] thirty (30) days after each *public* [such] meeting, each board shall *convene at the call of the chairman, the provisions of KRS 61.805 to 61.850 notwithstanding, to select only from among those projects recommended and considered at the public meeting, the capital projects proposed to be constructed or acquired in the coal producing county, and within thirty (30) days thereafter,* shall notify the *secretary* [commissioner] of the executive department for finance and administration, *through the department for local government,* of the capital project or projects *selected by the board* [,] in the order of their respective priority [, desired for the coal producing county]. *Each beneficiary agency submitting a capital project proposal shall include in the proposal a detailed description of the project; a statement of the public benefit to be derived from the project; if available, designs, plans, specifications and estimates of cost for the proposed project; a statement of the sources and amount of funds available from any other source for the construction, acquisition or commencement of the project.*

[(8) The executive department for finance and administration shall cause cost estimates to be prepared relative to the proposed capital projects and shall advise the chairman of each board of its conclusions with respect thereto as soon as practicable.

(9) The final selection of the capital project or projects to be undertaken in any coal producing county shall be made by its respective board; provided, however, the executive department for finance and administration shall refuse to proceed on any proposed capital project if in the judgment of the commissioner the project cannot be completed at a total cost within the county's allocable share of the fund available for expenditure.

(10) Upon approval of each capital project as provided in subsection (8) of this section, the executive department for finance and administration shall cause to be prepared all plans, specifications and designs, shall

advertise for bids and award any contract or contracts, all in accordance with KRS Chapters 45 and 56.

(11) Upon the award of any contract to provide capital improvement and the acquisition or contract of purchase of any real property required by such project, a grant in aid of the projected total cost thereof shall be established to the credit of the appropriate political subdivision, agency or special district or combination thereof, including entities created by or parties to interlocal agreements, and title to any such real property and to the capital project shall be held by the commonwealth until completion and final acceptance as certified by the commissioner of the executive department for finance and administration, at which time title thereto shall vest by conveyance or otherwise in the designated beneficiary of such grant in aid to be used for public purposes. Should the capital project cease at any time to be used for such public purposes, title shall revert to and vest in the commonwealth of Kentucky. No encumbrance of any kind shall be placed upon the capital project or real property and such restriction shall be recited in any deed or other conveyance made between the parties.

(12) Disbursements from the fund shall be made by the state treasurer upon the warrant of the commissioner of the executive department for finance and administration.]

SECTION 3. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) The department for local government shall examine each capital project selected by boards under KRS 42.330, and when it finds that a proposed project conforms to the requirements of KRS 42.330 to 42.340; that the estimated costs of the project are reasonable; that the costs, or the part thereof proposed to be paid from the fund, are within the unencumbered balance available for expenditure within the applicable coal producing county; and, that the proposed beneficiary agency will be reasonably able to finance the operation of and maintain the capital project during its estimated useful life, the commissioner of the department for local government will transmit the project proposal of the secretary of the executive department for finance and administration with a recommendation for approval. If the department for local government determines that a capital project proposal does not conform to the requirements of KRS 42.330 to 42.340; or, that the estimated costs of the project are excessive or unreasonable in light of the public benefit to be derived from the project; or, the unencumbered balance in the fund available for expenditure in the coal producing county is insufficient to pay the costs, or the part thereof proposed to be paid out of the fund, of the project; or, that the proposed beneficiary agency will not be reasonable able to finance the operation and maintenance of the project; the project proposal shall be disapproved by the department for local government and returned to the board selecting the project, with detailed written reasons for disapproval. When a project has been returned to the board by the department for local government pursuant to this section, the board may, by a vote of an absolute majority of its members, submit the project for approval to the state advisory committee established under KRS 42.310. If approved by the sate advisory committee, it shall be transmitted to the secretary of the executive department for finance and administration with a recommendation for approval.

(2) When the secretary of the executive department for finance and administration has approved a capital project, the executive department for finance and administration shall cause detailed cost estimates, site surveys, appraisals, architectural designs, and plans and specifications to be prepared, award and enter into contracts, and do all other things necessary and proper for the construction or acquisition of the capital project; provided, however, that the department may, in its discretion, adopt and rely upon detailed cost estimates, site surveys, appraisals, architectural designs and plans and specifications for capital projects prepared for and submitted by the beneficiary agency of the proposed project.

(3) Except when a direct grant for a capital project is made to a beneficiary agency as authorized under subsection (4) of this section, the executive department for finance and administration shall award and administer, or shall delegate to beneficiary agencies, and control, the award and administration of all contracts for the construction or acquisition of all capital projects wholly financed out of the fund, in accordance with the provisions of KRS Chapters 45 and 56. All contracts awarded under this section for the construction, reconstruction or renovation of a building or other improvement to real estate shall be deemed to be contracts for public works within the meaning of KRS Chapters 317, 376 and other applicable laws.

(4) The secretary of the executive department for finance and administration shall make direct grants in aid of money out of the fund to any beneficiary agency for the construction or acquisition of any approved capital project, the estimated cost of which does not exceed the greater amount of fifty thousand dollars ($50,000), and the secretary may, after consultation with the commissioner of the department for local government, make grants in aid to beneficiary agencies in amounts greater than fifty thousand dollars ($50,000), provided, however, that no such grant may exceed one-third (1/3) of the total cost of the proposed capital project. When a direct grant in aid has been made to a beneficiary agency, all contracts awarded for the purchase of materials, supplies, equipment or services, except professional and technical services, required for the construction or acquisition of the project shall be awarded to the lowest and best bidder in the discretion of the beneficiary agency after public advertisement as required by KRS Chapter 424 or other applicable law. All beneficiary agencies receiving a direct grant in aid under this subsection shall keep and maintain complete and accurate records of accounts of all expenditures of the grant monies which shall be

subject to audit by the Commonwealth for a period of five (5) years after completion of the capital project. Any grant monies not required after all of the costs of the capital project have been paid by the beneficiary agency shall be promptly returned to the Commonwealth for reallocation for expenditure for other capital projects in the coal producing county to which such funds had been originally allocated.

(5) No capital project shall be constructed under KRS 42.330 to 42.340 except upon land to which (a) the Commonwealth, a political subdivision of the Commonwealth or the beneficiary agency of the capital project has a good and marketable title, free of encumbrances, or (b) the beneficiary agency or the project has the right to the uninterrupted and peaceful enjoyment, use, occupancy and possession for a period longer than the estimated useful life of the capital project; provided nothing herein shall prohibit the construction or renovation of public buildings on land with an existing encumbrance to secure payment of funds obtained for the acquisition or improvement of said land. Each beneficiary agency shall execute and deliver to the Commonwealth its written assurances, which shall be binding on such agencies' successors and assigns, guaranteeing that during its estimated useful life, the capital project shall be operated and maintained for public purposes and pledging that no mortgage or other encumbrances shall be placed against any capital project wholly financed out of the fund, except industrial development projects, for the breach of which assurances the Commonwealth shall have right of entry to the capital project and the beneficiary agency, or its successors and assigns, shall forthwith convey the title to the capital project to the Commonwealth. Similar assurances shall be executed and delivered to the Commonwealth by the beneficiary agencies of capital projects financed in part out of the fund and in part from other sources, except that when such additional funding is derived from the issuance and sale of revenue bonds or under other statutorily authorized financing methods, to secure the repayment of which funds a statutory mortgage lien is granted in favor of any person or group of persons, the capital project may be encumbered to the extent authorized or required by the law under which such financing method was undertaken; nor shall anything in this section prohibit the encumberance of any real property located within an industrial park or constituting an industrial site, developed or improved as a capital project under KRS 42.330 and this section, by any person, firm, company, partnership, or corporation to which such property has been conveyed to obtain financing for the construction upon such property of industrial and commercial buildings.

SECTION 4. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) Monies in the coal severance economic aid fund shall be apportioned for expenditure for capital projects in coal producing counties as follows:

(a) There shall first be allocated for expenditure within each coal producing county the total amount of severance tax revenue actually collected from mining operations within said county during the preceding fiscal year or the sum of ten thousand dollars ($10,000), whichever shall be less;

(b) Ninety percent (90%) of the balance, after deducting the total amount allotted in paragraph (a) of this section, shall be apportioned for expenditure within each county on the basis of the ratio of the severance tax collected in each county to the total amount of severance tax collected statewide;

(c) The balance of the fund, after allocations provided in paragraphs (a) and (b) of this subsection shall be apportioned for expenditure within each coal producing county in which the average per capita income is less than an amount equal to eighty-five percent (85%) of the state per capita income as of June 30, 1978, for allocations for fiscal year 1978-79, and as of June 30, 1979, for allocations for fiscal year 1979-80, and as of June 30 of each fiscal year thereafter, for the next succeeding fiscal year, according to the then current edition of "Kentucky Deskbook of Economic Statistics," Kentucky department of commerce as provided by the United States department of commerce, bureau of economic analysis, on the basis of the ratio of population in each such coal producing county to the total aggregate population of all coal producing counties.

(2) Any balance remaining in the fund at the close of a fiscal year shall not lapse, but shall carry forward into the next succeeding fiscal year.

Amend printed copy of Senate Bill 348, page 7, line 20, by deleting the comma and "the provisions of KRS 61.805 to 61.850 notwithstand-"; and on line 21, by deleting the hyphenization "ing" and the comma.

The committee amendment to SB 348 is as follows:

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

The Speaker vacated the Chair.

Representative Brinkley presiding.

Representative B. Richardson moved that when the House adjourns, it do so by voice vote. Agreed.

Representative B. Richardson moved that no other business be conducted on this day than Report of Committees and clerical duties. Agreed.

Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

At the appointed hour, Representative Brinkley assumed the Chair.

Representative Imes requested that he be recorded as voting "nay" on HB 13, due to machine malfunction. Agreed.

Report of Committees

The Committee on Rules reported **HB 745, SB 264** and **SB 260** have been posted for passage in Consent Orders of the Day, March 10, 1978.

The Committee on Rules reported **HJR 91, HB 261, HB 469, HB 568, HB 581, HB 643, HR 95, HJR 96, SB 242, SB 252, SB 254, SB 276, SB 285, SJR 27, SB 107, SB 215, SB 214, SB 207, SB 191, SB 187, SB 133, SB 97, SB 47, SB 28, SB 13, SB 249** and **SB 245** have been posted for passage in Orders of the Day, March 10, 1978.

The Committee on Rules reported **HB 259, HB 569** and **SB 224** have been recommitted to the Committee on State Government and **HB 613** has been recommitted to the Committee on Judiciary-Statutes.

Adjournment

Speaker Kenton moved that the House adjourn until 10:00 a.m. Friday, March 10, 1978.

The motion to adjourn was adopted by voice vote.

FRIDAY, MARCH 10, 1978

FIFTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend L. J. Harrison, Pentecostal Church, Hodgenville, Kentucky.

The roll was called. All present except Representatives J. Allen, Blandford and Tobin.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Brinkley moved that the reading of the Journal of March 9, 1978, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 126, by Representative Patrick: A RESOLUTION to rename U.S. 27 in McCreary County between the Pulaski County line and the Kentucky-Tennessee state lines the "Wilburn Kirby Ross Highway."

HR 127, by Representative Bennett: A RESOLUTION urging the Legislative Research Commission to study the need to license a regulate electricians and electrical contractors.

HR 128, by Representative Yates: A RESOLUTION urging the government of the United States to maintain its diplomatic relations and the Mutual Defense Treaty with the Republic of China.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SB 281, SB 135, SB 304.**

Business Organizations and Professions: **SB 358, SB 204.**

Health and Welfare: **SB 290, HR 125.**

State Government: **SB 193, SB 272, SB 334.**

Posting of Bills and Resolutions for Consideration

Business Organizations and Professions: **SB 314, SB 269, SB 255.**

Judiciary-Courts: **SB 284.**

Calendar

SB 174, SB 175, HCR 116, SB 134, SB 223, SB 332, SJR 19, HB 734, SB 261, HB 701, SB 188, SB 202, SB 206, SB 155, SB 291, SB 292, SB 308, SB 312, SB 339, HB 120, HB 149, HB 315, HB 387, HB 705, SB 350, SCR 34, HB 702, HB 196, HB 679, HB 743, SB 162, SB 328, SB 226, SB 124, SB 222, SB 256, SB 299, SB 307, SB 329, SCR 42, and **SB 348** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Ordered referred to the Committee on Rules.

Report of Committees

The Committee on Banking and Insurance reported **HB 486, SB 259,** and **SB 331** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 486, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.13-030 is amended to read as follows:

(1) Rates shall be made in accordance with the following provisions:

(a) Manual, minimum, class rates, rating schedules or rating plans, shall be made and adopted, except in the case of specific inland marine rates on risks specially rated;

(b) Rates shall not be excessive, inadequate, *discriminatory on the basis of age, sex, or handicap* or *otherwise* unfairly discriminatory;

(c) Due consideration shall be given:

1. To past and prospective loss experience within and outside this state;
2. To the conflagration and catastrophe hazards;
3. To a reasonable margin for underwriting profit and contingencies;
4. To dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers;
5. To past and prospective expenses both country wide and those specially applicable to this state;
6. To all other relevant factors within and outside this state; and
7. In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent three-year period for which such experience is available;

(d) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or group of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable;

(e) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks which may have a probable effect upon losses or expenses; [.]

(f) Rates shall not be increased on the policy of an insured for two years after the date of issuance of the policy.

(2) Except to the extent necessary to meet the provisions of paragraph (b) of subsection (1) of KRS 304.13-030, uniformity among insurers in any matters within the scope of this section is neither required nor prohibited.

(3) Rates made in accordance with this section may be used subject to this subtitle.

SECTION 2. A NEW SECTION OF SUBTITLE 14 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

If an insurer refuses to renew, cancels, or increases the rates on a property or casualty insurance policy of an insured, the insurer shall notify the insured and state the specific reason for the refusal to renew, cancellation or increase in rates.

SB 259, AN ACT relating to liquidation of insurance company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.33-430 is amended to read as follows:

The order of distribution of claims from the insurer's estate shall be as stated in this section. The first $50.00 of the amount allowed on each claim in the classes under subsections (2) to *(5)* [(6)], inclusive, of this section, shall be deducted from the claim and included in the class under subsection *(7)* [(8)] of this section. Claims may not be cumulated by assignment to avoid application of the $50.00 deductible provision. Subject to the $50.00 deductible provision, every claim in each class shall be paid in full or adequate funds retained for the payment before the members of the next class receive any payment. No subclasses shall be established within any class.

(1) Administration costs. The costs and expenses of administration, including but not limited to the following: the actual and necessary costs of preserving or recovering the assets of the insurer; compensation for all services rendered in the liquidation; any necessary filing fees; the fees and mileage payable to witnesses; and reasonable attorney's fees.

(2) Wages. (a) Debts due to employes for services performed, not to exceed $1,000 to each employe which have been earned within one (1) year before the filing of the petition for liquidation. Officers shall not be entitled to the benefit of this priority.

(b) Such priority shall be in lieu of any other similar priority authorized by law as to wages or compensation of employes.

(3) Loss *and unearned premium* claims. *Claims by policyholders, beneficiaries, and insureds arising from and within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the company, and liability claims against insureds which claims are within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the company, and claims of the Kentucky Insurance Guaranty Association and any similar organization in another state* [All claims under policies for losses incurred including third-party claims, and all claims against the insurer for liability, for bodily injury, for injury to or destruction of tangible property which are not under policies, except the first $200 of losses otherwise payable to any claimant under this subsection. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds or investment values shall be treated as loss claims. Claims may not be cumulated by assignment to avoid application of the $200 deductible provision. That portion of any loss for which indemnification is provided by other benefits or advantages recovered or recoverable by the claimant shall not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds the life insurance, or as gratuities. No payment made by an employer to his employe shall be treated as a gratuity.

(4) Unearned premiums and small loss claims. Claims under nonassessable policies for unearned premiums or other premium refunds and the first $200 of loss excepted by the deductible provision in subsection (3) of this section].

(4) [(5)] Residual classification. All other claims including claims of the federal or any state or local government, not falling within other classes under this section. Claims, including those of any governmental body, for a penalty or forfeiture, shall be allowed in this class only to the extent of the pecuniary loss sustained from the act, transaction or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby. The remainder of such claims shall be postponed to the class of claims under subsection *(7)* [(8)] of this section.

(5) [(6)] Judgments. Claims based solely on judgments. If a claimant files a claim and bases it both on the judgment and on the underlying facts, the claim shall be considered by the liquidator who shall give the judgment such weight as he deems appropriate. The claim as allowed shall receive the priority it would receive in the absence of the judgment. If the judgment is larger than the allowance on the underlying claim, the remaining portion of the judgment shall be treated as if it were a claim based solely on a judgment.

(6) [(7)] Interest on claims already paid. Interest at the legal rate compounded annually on all claims in the classes under subsections (1) to *(5)* [(6)] of this section, inclusive, from the date of the petition for liquidation or the date on which the claim becomes due, whichever is later, until the date on which the dividend is declared. The liquidator, with the approval of the court may make reasonable classifications of claims for purposes of computing interest, may make approximate computations and may ignore certain classifications and time periods as de minimis.

(7) [(8)] Miscellaneous subordinated claims. The remaining claims or portions of claims not already paid, with interest as in subsection *(6)* [(7)] of this section:

(a) The first $50 of each claim in the classes under subsections (2) to *(5)* [(6)], inclusive, of this section, subordinated under this section;

(b) Claims under subsection (2) of KRS 304.33-380;

(c) Claims subordinated by KRS 304.33-600;

(d) Claims filed late;

(e) Portions of claims subordinated under subsection *(4)* [(5)] of this section; and

(f) Claims or portions of claims, payment of which is provided by other benefits or advantages recovered or recoverable by the claimant.

(8) [(9)] Preferred ownership claims. Surplus or contribution notes, or similar obligations, and premium refunds on assessable policies. [Payments to members of domestic mutual insurance companies shall be limited in accordance with subsection (2) of KRS 304.33-450.] Interest at the legal rate shall be added to each claim, as in subsections *(6)* [(7)] and *(7)* [(8)] of this section.

(9) [(10)] Proprietary claims. The claims of shareholders or other owners.

Section 2. KRS 304.33-440 is amended to read as follows:

(1) *Immediate Access. Within one hundred twenty (120) days of a final determination of insolvency of a company by a court of competent jurisdiction of this state, the liquidator shall make application to the court for approval of a proposal to disburse assets out of such company's marshalled assets, from time to time as such assets become available, to the Kentucky Insurance Guaranty Association and to any similar organizations in another state. (The Kentucky Insurance Guaranty Association and any similar organizations in other states shall hereinafter be referred to collectively as the Associations.) Such proposal shall at least include provision for:*

(a) Reserving amounts for the payment of the expenses of administration and claims falling within the priorities established in KRS 304.33-430(1) and (2);

(b) Disbursement of the assets marshalled to date and subsequent disbursements of assets as they become available;

(c) Equitable allocation of disbursements to each of the Associations entitled thereto; and

(d) The securing by the liquidator from each of the Associations entitled to disbursements pursuant to paragraph (e) of an agreement to return to the liquidator such assets previously disbursed as may be required to pay claims of secured creditors and claims falling within the priorities established in KRS 304.33-430(1), (2) and (3) in accordance with such priorities. No bond shall be required of any such Association.

(e) The liquidator's proposal shall also provide for disbursements to the Associations in amounts at least equal to the payments made or to be made thereby for which Associations could assert claims against the liquidator, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the amount of such payments made or to be made by the Association then disbursements shall be in the amount of available assets.

(f) Notice of such application shall be given to the Associations in and to the commissioners of insurance of each of the states in which the company did business. Any such notice shall be deemed to have been given when deposited in the United States certified mails, first class postage prepaid, at least thirty (30) days prior to submission of such application to the court. Action on the application may be taken by the court provided the above required notice has been given and provided further that the liquidator's proposal complies with this subsection.

(2) Recommended claims. The liquidator shall review all claims duly filed in the liquidation and shall make such further investigation as he deems necessary. He may compound, compromise or in any other manner negotiate the amount for which claims will be recommended to the court. Unresolved disputes shall be determined under KRS 304.33-400. As often as practicable, he shall present to the court reports of claims against the insurer with his recommendations. The reports shall include the name and address of each claimant, the particulars of the claim and the amount of the claim finally recommended if any. As soon as reasonably possible after the last day for filing claims, he shall present a list of all claims not already reported. If the insurer has issued annuities or life insurance policies, the liquidator shall report the persons to whom, according to the records of the insurer, amounts are owed as cash surrender values or other investment values and the amounts owed. If the insurer has issued policies on the advance premium plan, the liquidator shall report the persons to whom, according to the records of the insurer, unearned premiums are owed and the amounts owed.

(3) [(2)] Allowance of claims. The court may approve, disapprove or modify any report on claims by the liquidator, except that the liquidator's agreements with other parties shall be final and binding on the court on claims settled for $500 or less. No claim under a policy of insurance shall be allowed for an amount in excess of the applicable policy limits.

SB 331, AN ACT relating to automobile insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 20, IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "safety equipment" shall mean only the glass used in the windshield, doors, and windows, and the glass, plastic, or other material used in the lights required by KRS Chapter 189 on any automobile.

(2) Any automobile insurance policy that provides comprehensive coverage, whether designated as such, or included within a broader coverage, shall provide complete coverage for repair or replacement of damaged safety equipment, without regard to any deductible or minimum amount.

(3) This section shall apply to all policies issued after January 1, 1979.

Motions, Petitions and Communications

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors of Bills and Resolutions. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

Representative Schmidt moved that **SB 148** be made a Special Order of the Day on Monday, March 13, 1978.

The Chair ruled the motion out of order.

Representatives Schmidt and Guenthner appealed the ruling of the Chair.

The Speaker vacated the Chair.

The Speaker Pro Tempore assumed the Chair.

On the roll call the vote was yeas 44-Adams, Bendl, Bennett, Beshear, Blythe, Brown, Carpenter, Clapp, Clarke, Craddock, Deskins, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hancock, Head, Hines, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, McBee, McNutt, Petty, Richardson, B. Richarson, P. Richardson, Sale, Siemens, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Yates. Nays 43-W. Allen, Arnold, Boatwright, Boswell, Brinkley, Bruce, Burnette, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Gay, Guenthner, Haering, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Layman, Lindsay, Marcum, May, Maynard, Morris, Nett, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Riner, Robinson, Schmidt, R. Smith, Worthington, Wright.

The ruling of the chair was upheld.

Representative B. Richardson moved that the rules be suspended to waive the posting requirement in regard to **SB 284** and **HR 121**. Agreed.

Senate Message

Announcing passage of **SB 309** and **SB 289.**

Motions, Petitions and Communications (Continued)

Representative Wright moved the adoption of the following Legislative Citation No. 65:

The House of Representatives hereby commends Naomi Kitchen, Hostess for the Legislators, in the Legislative Lounge. You are someone very special to us because of your exceptional courtesies and hospitality that were a perfect combination for heavily burdened weary legislators in need of relaxation following arduous meetings and sessions. Your ready smile and warmth, your cheerful attitude, patience and willingness, the enjoyable "Coffee Breaks" contributed immensely to our needs and comfort. We honor Naomi Kitchen and her associates for their excellent services and extend our best wishes to them. (Sponsored by Representative Wright)

Agreed.

Representative P. Richardson moved the adoption of the following Legislative Citation No. 55:

The House of Representatives hereby congratulates Dave Borden seventh grade student at Belmont Junior High School in the Clark County School system as winner of second place in the KEA President Spelling Bee sponsored by the Clark County Education Association. Spelling is a basic in the development of English Skills and it is a great educational asset. To be the recipient of a good, workable vocabulary is very vital in today's vocational outlook. We are proud of your hard work and time invested in an accomplished goal. Our best wishes for continued success. (Sponsored by Representative P. Richardson)

Agreed.

Representative P. Richardson moved the adoption of the following Legislative Citation No. 56:

The House of Representatives hereby congratulates Darla Jacobsen fifth grade student at Shearer School in the Clark County School System as winner of third place in the KEA Presidents Spelling Bee sponsored by the Clark County Education Association. Spelling is a basic in the development of English skills and it is a great educational asset. To be the recipient of a good, workable vocabulary is very vital in today's vocational outlook. We are proud of you and your desire to improve your educational opportunities. Our best wishes for continued success. (Sponsored by Representative P. Richardson)

Agreed.

Representative P. Richardson moved the adoption of the following Legislative Citation No. 57:

The House of Representatives hereby congratulates David Wall eighth grade student at Conkwright Junior High School in the Clark County School System as winner of first place in the KEA Presidents Spelling Bee sponsored by the Clark County Education Association. Spelling is a basic in the development of English skills and it is a great educational asset. To be the recipient of a good, workable vocabulary is very vital in today's vocational outlook. We are very proud of your excellent performance and extend our best wishes for your capturing first place in the district KEA spelling bee to be held at Eastern Kentucky University. (Sponsored by Representative P. Richardson)

Agreed.

Representative Trevey moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Trevey requested that he be recorded as voting "nay" on **HB 331.** Agreed.

Representative Morris requested that due to machine malfunction, he wished to be recorded as voting "nay" on **HB 312.** Agreed.

Representative Bennett moved that the rules be suspended to record a vote. Agreed.

Representative Bennett moved that he be recorded as voting "yea" on **HB 644.** Agreed.

Representative Patrick moved that the rules be suspended for the purpose of acting on a Resolution. Agreed.

Representative Patrick moved the adoption of the following **HR 126:**

HR 126, A RESOLUTION to rename U.S. 27 in McCreary County between the Pulaski County line and the Kentucky-Tennessee state lines the "Wilburn Kirby Ross Highway."

WHEREAS, Wilburn Kirby Ross has proudly and honorably defended his country on the battlefronts of Europe and North Africa; and

WHEREAS, Wilburn Kirby Ross has displayed immeasurable courage and wisdom in battle by surviving a 36-hour siege by German soldiers in 1944; and

WHEREAS, Wilburn Kirby Ross was able to singlehandedly annihilate approximately 58 German soldiers after his own company had lost 55 out of 88 men; and

WHEREAS, Wilburn Kirby Ross has achieved a multitude of military citations: good conduct medal, merit badge, bronze star medal, silver star, distinguished service cross, combat infantryman's badge, purple heart, and the French Croix de Guerre; and

WHEREAS, Wilburn Kirby Ross, for his valor and courage, has achieved our nation's supreme military decoration authorized by Congress: the congressional medal of honor; and

WHEREAS, Wilburn Kirby Ross had constantly displayed outstanding moral, civic, and religious traits in both his professional and personal lives; and

WHEREAS, Wilburn Kirby Ross has retained and constantly sought to strengthen his proud, traditional mountain heritage;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives urges the Kentucky Department of Transportation to honor the accomplishments and awards of Wilburn Kirby Ross by renaming U.S. 27 in McCreary County between the Pulaski County line and the Kentucky-Tennessee state lines the "Wilburn Kirby Ross Highway."

Section 2. That the House of Representatives urges the Kentucky Department of Transportation to erect appropriate highway markers at the Pulaski County line and the Kentucky-Tennessee state lines.

Section 3. That the Clerk be directed to transmit a copy of this resolution to Wilburn Kirby Ross and the Secretary of the Kentucky Department of Transportation.

Section 4. That when the House of Representatives does adjourn this day of Friday, March 10, 1978, it does so in honor of Wilburn Kirby Ross.

HR 126 was adopted by voice vote.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 316, HB 75, HB 42, SB 76,** and HB 234 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 316, HB 75, HB 42, and **HB 234** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Recess

Representative B. Richardson moved that the House recess for fifteen minutes. Agreed.

At the appointed hour, the Speaker resumed the chair and called the House to order.

Orders of the Day (Continued)

Representative B. Richardson moved that **SB 102** be taken from the Clerk's desk and placed in Orders of the Day.

On the roll call the vote was yeas 37-W. Allen, Arnold, Bendl, Bennett, Boatwright, Brinkley, Carpenter, Craddock, DeMarcus, Dietz, Dunn, Fitzgerald, Guy, Head, Hurst, Imes, Isler, Kenton, Kidd, Mann, May, Noe, Pearman, Petty, B. Richardson, P. Richardson, Riner, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Turner, Van Horn, Wilborn, Yates. Nays 0.

The motion that **SB 102** be placed in Orders of the Day was adopted.

SB 95 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 95:**

Amend printed copy of **SB 95**, page 1, line 1, by inserting after "Section 1" the following language:

"A NEW SECTION OF KRS CHAPTER 194 IS CREATED TO READ AS FOLLOWS:

(1) The secretary of the department for human resources is authorized to purchase liability insurance for the protection of physicians, hospital administrators and directors employed by the department for human resources to protect them from liability for acts, omissions, and claims of medical malpractice arising in the course and scope of their employment or service to the department.

(2) The secretary may purchase the type and amount of liability coverage deemed appropriate to best serve the department's interest.

Section 2."

and by renumbering all subsequent sections accordingly.

Agreed.

Representative B. Richardson moved that **SB 95,** as amended, be passed.

On the roll call the vote was yeas 65-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Craddock, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Kenton, Kidd, Layman, Little, Mann, Marcum, May, Maynard, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Yates. Nays 1-Cyrus.

SB 95, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 95,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 118, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 118.** Agreed.

Representative B. Richardson moved that **SB 118,** as amended, be passed.

On the roll call the vote was yeas 56-Adams, Arnold, Bendl, Bennett, Boswell, Brown, Bruce, Burch, Carpenter, Clarke, Craddock, Crupper, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Guy, Haering, Hancock, Head, Hurst, Isler, Kenton, Layman, LeMaster, Little, Mann, May, Maynard, McBee, McKinney, Nett, Noe, O'Brien, Overstreet, Petty, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, White, Wilborn, Wright, Yates. Nays 22-W. Allen, Blythe, Boatwright, Brinkley, Burnette, Cyrus, DeFalaise, DeMarcus, Deskins, Gray, Holbrook, Imes, Jones, Lindsay, Marcum, Patrick, Pearman, Plummer, Priddy, Riner, Trevey, Worthington.

SB 118, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 118,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 115 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71-Adams, Arnold, Bendl, Bennett, Beshear, Boswell, Brinkley, Brown, Burch, Carpenter, Craddock, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 2-Cyrus, DeFalaise.

SB 115 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 115** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 131 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Van Horn moved the adoption of the following Floor Amendment No. 1 to **SB 131:**

Amend printed copy of **SB 131,** page 1, lines 1 through 18, delete lines 1 through 18 by bracketing the same, and insert in lieu thereof the following:

"Section 1. KRS 29A.270 is amended to read as follows:

(1) Defendants shall have the right to a jury trial in all criminal prosecutions, *including prosecutions for violations of traffic laws,* in the circuit and district courts. *The defendant may request a jury trial at any time prior to the time his case is called for trial.* [in which there is a possible penalty of imprisonment or of a fine in excess of two hundred and fifty dollars ($250)].
(2) There shall be no right to a jury trial in civil actions in which the amount in controversy does not exceed two hundred and fifty dollars ($250).

(3) Nothing in this section shall be construed to restrict the power of the judge to punish for contempt of court."

On the roll call the vote was yeas 38-Bennett, Boswell, Brown, Burnette, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Holbrook, Isler, Jones, Kenton, Little, Mann, Maynard, McBee, McKinney, Morris, Overstreet, Patrick, Pearman, Priddy, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Thomas, Turner, Van Horn, White, Wright Yates. Nays 24-Adams, W. Allen, Bendl, Beshear, Blythe, Burch, Clarke, Crupper, Fitzgerald, Foster, Gay, Guy, Imes, List, Marcum, McNutt, Nett, Petty, Plummer, Siemens, Trevey, Weinberg, Wilborn, Worthington.

Floor Amendment No. 1 to **SB 131** was adopted.

Representative B. Richardson moved that **SB 131,** as amended, be passed.

On the roll call the vote was yeas 45-Bennett, Benson, Boswell, Bruce, Burch, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Guy, Holbrook, Isler, Kenton, LeMaster, Little, Mann, Maynard, McKinney, Morris, Noe, O'Brien, Overstreet, Petty, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Sale, F. Smith, Stewart, Stone, Thomas, Trevey, Turner, Weinberg, Wilborn, Worthington, Yates. Nays 32-Adams, W. Allen, Bendl, Beshear, Blythe, Brinkley, Brown, Burnette, Crupper, Davenport, DeMarcus, Foster, Head, Hurst, Imes, Jones, Kidd, Kleier, Layman, Lindsay, List, Marcum, McNutt, Patrick, Pearman, Plummer, Richards, Riner, Siemens, R. Smith, White, Wright.

SB 131, as amended, was passed.

Representative Van Horn moved the adoption of the following Floor Title Amendment to **SB 131:**

Amend printed copy of **SB 131,** the title to **SB 131** is amended to read as follows:

"AN ACT relating to jury trials."

The Title Amendment to **SB 131** was adopted.

Representative Van Horn moved that the vote by which **SB 131**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Clerk announced the filing of a petition to remove **SB 264** from the Consent Orders of the Day.

SB 149 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Noe moved the adoption of the following Floor Amendment No. 1 to **SB 149:**

Amend printed copy of **SB 149,** page 2, line 2, by changing the "." to ";";

and by inserting following line 2 the following:

"(d) Submit evidence of the history of flooding within the last five (5) years;

(e) Submit evidence of flood damage in dollars within the last five (5) years.".

Agreed.

Representative Noe moved that **SB 149,** as amended, be passed.

On the roll call the vote was yeas 80-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Hines, Holbrook, Hurst, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 0.

SB 149, as amended, was passed and the title agreed to.

Representative Noe moved that the vote by which **SB 149,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 349** be recommitted to the Committee on Appropriations and Revenue. Agreed.

Representative B. Richardson moved that the rules be suspended for the purpose of requesting the Senate to return **HB 634.** Agreed.

HCR 54 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative P. Richardson moved that **HCR 54** be recommitted to the Committee on Health and Welfare.

On the roll call the vote was yeas 57-W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Brown, Burch, Carpenter, Clarke, Craddock, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Foster, Guy, Haering, Hancock, Hines, Holbrook, Isler, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, May, McBee, McKinney, Nett, O'Brien, Patrick, Petty, B. Richardson, P. Richardson, Riner, Romines, Siemens, F. Smith, Stewart, Stone, Turner, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 18-Adams, Bruce, Burnette, Crupper, DeFalaise, DeMarcus, Imes, Mann, Marcum, Maynard, Overstreet, Plummer, Rattliff, Richards, Schmidt, Thomas, Trevey, Van Horn.

The motion that **HCR 54** be recommitted to the Committee on Health and Welfare was adopted.

HCR 84 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riner moved the adoption of the following Floor Amendment No. 1 to **HCR 84:**

Amend printed copy of **HCR 84,** page 1, in the title, by deleting the word "CONCURRENT";

and on page 2, in the resolving clause, by deleting ", the Senate concurring therein"

The Floor Amendment No. 1 to **HCR 84** was adopted.

HCR 84, as amended, was adopted by voice vote.

SB 184 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved the adoption of the following Floor Amendment No. 1 to **SB 184:**

Amend printed copy of **SB 184,** page 15, by adding the following after line 5:

"Section 5. KRS 141.021 is amended to read as follows:

Notwithstanding the provisions fo KRS 141.010, federal military retirement annuities [shall be excluded from the gross income of persons fifty (50) year of age or older,] and federal civil service retirement annuities shall be excluded from the gross income of persons fifty (50) years of age or older, subject to the following limitations:

If Earned Income From Sources Other Than Annuities Described Above Is:	The Maximum Annuity Exclusion Is:
$10,0000 or less	$5,000
10,001 to 11,000	4,000
11,001 to 12,000	3,000
12,001 to 13,000	2,000
13,001 to 14,000	1,000
Over 14,000	0
$3,000 or less	$4,000
3,001 to 4,000	3,000
4,001 to 5,000	2,000
5,001 to 6,000	1,000
Over 6,000	0

On the roll call the vote was yeas 36-Arnold, Bennett, Blythe, Boswell, Brinkley, Brown, Bruce, Craddock, Crupper, Cyrus, Davenport, Dawahare, Donnermeyer, Guy, Haering, Head, Hurst, Isler, Kenton, Layman, Marcum, Morris, Overstreet, Pearman, Petty, Plummer, Rattliff, Riner, Robinson, Romines, Siemens, R. Smith, Stone, Van Horn, Wilborn, Yates. Nays 39-Adams, W. Allen, Bendl, Benson, Burnette, Carpenter, Clarke, DeFalaise, DeMarcus, Deskins, Dunn, Fitzgerald, Foster, Guenthner, Hancock, Johnson, Jones, Kleier, LeMaster, List, Mann, May, Maynard, McBee, McNutt, Nett, O'Brien, Patrick, Richards, B. Richardson, Schmidt, F. Smith, Stewart, Trevey, Turner, Weinberg, White, Worthington, Wright.

The Floor Amendment No. 1 to **SB 184** was rejected.

Representative Pearman moved that **SB 184,** as amended, be passed.

On the roll call the vote was yeas 61-Adams, Arnold, Bendl, Bennet, Beshear, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kleier, LeMaster, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Petty, Richards, B. Richardson, Robinson, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, White, Wright, Yates. Nays 14-W. Allen, Blythe, Cyrus, Head, Layman, Lindsay, List, Overstreet, Pearman, Plummer, Rattliff, Riner, Trevey, Wilborn.

SB 184, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 184,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 533 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **HB 533** be passed.

On the roll call the vote was yeas 48-Bendl, Bennett, Beshear, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Crupper, Cyrus, Dawahare, Dietz, Dunn, Foster, Haering, Hancock, Head, Holbrook, Isler, Johnson, Kenton, Little, Marcum, Maynard, McBee, Morris, O'Brien, Overstreet, Pearman, Petty, Priddy, Rattliff, Riner, Robinson, Romines, Siemens, R. Smith, Stewart, Stone, Turner, Van Horn, White, Wilborn, Wright, Yates. Nays 28-Adams, W. Allen, Arnold, Blythe, Clarke, Craddock, Davenport, DeMarcus, Deskins, Donnermeyer, Fitzgerald, Guy, Hines, Jones, Kidd, Layman, Lindsay, List, Mann, May, McNutt, Plummer, Richards, B. Richardson, Schmidt, F. Smith, Trevey, Weinberg.

HB 533 was passed and the title agreed to.

Representative Bruce moved that the vote by which **HB 533** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 70 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 49-Adams, Arnold, Bennett, Beshear, Blythe, Boatwright, Brinkley, Brown, Burch, Carpenter, Craddock, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Guy, Hancock, Hines, Isler, Kenton, Kidd, Kleier, List, Little, May, McBee, McNutt, Noe, O'Brien, Petty, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, R. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, White, Williams, Yates. Nays 25-W. Allen, Boswell, Bruce, Burnette, Crupper, Cyrus, Fitzgerald, Gray, Haering, Head, Holbrook, Jones, Layman, LeMaster, Lindsay, Marcum, Nett, Overstreet, Pearman, Plummer, Riner, Siemens, Trevey, Wilborn, Wright.

SB 70 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 70** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 209 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that **SB 209** be passed.

Representative Beshear moved the adoption of the following Floor Amendment No, 3 to **SB 209:**

Amend printed copy of **SB 209,** page 4, line 24, after the word "administer" and before the words "diagnostic" insert the word "*two*"

and on page 4, line 24, delete all of the words after the word "agents" and through the word "anesthetics" and insert the following words after the word "agents" on line 24, "*hydroxyamphetamine 1% commonly called paredrine and proparocaine hydrochloride 1/2 % commonly called ophthaine*";

and on page 5, line 18, after the word "optometry" and before the word "diagnostic" insert the word " *two*"

and on page 5, lines 19, 20 and 21, after the word "agents" delete all of the words through the word "anesthetics" and insert the following in lieu thereof: "*hydroxyamphetamine 1% commonly called paredrine and proparocaine hydrochloride 1/2 % commonly called ophthaine*";

and on page 5, line 23, after the word "agents" insert in its place the following words: "*described in this section*".

On the roll call the vote was yeas 18-Arnold, Beshear, Blythe, Brown, Bruce, Carpenter, Crupper, DeFalaise, Hancock, Holloway, Isler, Kenton, Lindsay, List, Maynard, O'Brien, P. Richardson, Trevey. Nays 65-Adams, W. Allen, Bendl, Bennett, Benson, Boswell, Burch, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Head, Holbrook, Hurst, Imes, Johnson, Jones, Kidd, Layman, LeMaster, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Morris, Overstreet, Pearman, Petty, Plummer, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates.

Floor Amendment No. 3 to **SB 209** was rejected.

On the roll call the vote was yeas 63-W. Allen, Bendl, Bennett, Benson, Boatwright, Boswell, Burch, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Hancock, Head, Holbrook, Hurst, Imes, Johnson, Jones, Kenton, Layman, LeMaster, Little, Mann, Marcum, May, McBee, McKinney, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Yates. Nays 23-Adams, Arnold, Beshear, Blythe, Brown, Bruce, Carpenter, Crupper, DeFalaise, Gray, Haering, Holloway, Isler, Kidd, Lindsay, List, Maynard, Morris, Nett, Richards, P. Richardson, Trevey, Worthington.

SB 209 was passed the the title agreed to.

Representative Mann moved that the vote by which **SB 209** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 78 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 0.

SB 78 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 78** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 179, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holloway moved the adoption of the Committee Amendment No. 1 to **SB 179.**

On the roll call the vote was yeas 75-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, Lindsay, List, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

SB 179, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 179,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (Continued)

SB 112 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 58-W. Allen, Arnold, Bendl, Bennett, Beshear, Blythe, Boatwright, Brown, Bruce, Burnette, Craddock, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Guy, Head, Hines, Imes, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, Marcum, May, McBee, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, White, Wilborn, Williams, Wright, Yates. Nays 0.

SB 112 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 112** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 150 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 50-Adams, Arnold, Bendl, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Clarke, Craddock, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Guy, Head, Hines, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Little, Mann, May, Maynard, McBee, McNutt, Morris, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Stewart, Stone, Thomas, Turner, Wright, Yates. Nays 22-W. Allen, Beshear, Brown, Burnette, Crupper, DeFalaise, Fitzgerald, Haering, Holbrook, Holloway, Layman, LeMaster, List, Marcum, Overstreet, Pearman, Plummer, Rattliff, Trevey, Van Horn, Wilborn, Williams.

SB 150 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 150** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 283, SB 320, SB 306, SB 278, HB 35** with Committee Substitute and Amendment, **HB 15, HB 401, HB 552, HB 29, HB 86, HB 211,** and **HB 128.**

Orders of the Day (Continued)

SB 305 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved the adoption of the following Floor Amendment No. 1 to **SB 305:**

Amend printed copy of **SB 305,** page 3, line 20, by deleting the word "agribusiness" and inserting in lieu thereof the following: "locating businesses within the state which process agricultural products and assist and promote the marketing and exportation of said products"

Agreed.

Representative Morris moved that **SB 305**, as amended, be passed.

On the roll call the vote was yeas 74-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Kenton, Kidd, Kleier, Lindsay, List, Little, Mann, May, Maynard, McBee, McNutt, Morris, Nett, Noe, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wilborn, Worthington, Wright, Yates. Nays 6-Beshear, DeFalaise, Fitzgerald, Layman, Marcum, Overstreet.

SB 305, as amended, was passed and the title agreed to.

Representative Morris moved that the vote by which **SB 305**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 98 taken from Orders of the Day and ordered read at length for the third time. Representative Clarke moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Isler moved the adoption of the Committee Amendment No. 1 to **SB 98**. Agreed.

Representative Isler moved that **SB 98**, as amended be passed.

On the roll call the vote was yeas 70-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brown, Burch, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Guenthner, Guy, Hancock, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, Lindsay, List, Little, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmit, Siemens, F. Smith, R. Smith, Stewart, Thomas, Turner, Weinberg, Wilborn, Worthington, Yates. Nays 17-W. Allen, Boatwright, Brinkley, Bruce, Burnette, Foster, Gray, Haering, Head, Holloway, Pearman, Rattliff, Riner, Robinson, Stone, Van Horn, Wright.

SB 98, as amended, was passed and the title agreed to.

Representative Isler moved that the vote by which **SB 98**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 102, as amended by Committee Amendment No. 1 and Floor Amendment No. 1, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved that the vote by which Floor Amendment No. 1 was adopted be reconsidered.

On the roll call the vote was yeas 41-Adams, Boatwright, Boswell, Brinkley, Bruce, Burch, Carpenter, Clarke, Craddock, Davenport, Dunn, Fitzgerald, Foster, Gay, Guy, Haering, Isler, Jones, Kenton, LeMaster, List, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Priddy, Richards, Riner, Robinson, Siemens, F. Smith, Stewart, Thomas, Trevey, Turner, Van Horn, Wells, Williams, Yates. Nays 33-W. Allen, Bendl, Bennett, Blythe, Burnette, Cyrus, Dawahare, Defalaise, DeMarcus, Deskins, Guenthner, Holbrook, Holloway, Imes, Kidd, Kleier, Layman, Lindsay, Little, Mann, Marcum, May, Maynard, Overstreet, Patrick, Petty, Plummer, Rattliff, Schmidt, R. Smith, Stone, Wilborn, Wright.

The motion that the vote by which Floor Amendment No. 1 to **SB 102** was adopted be reconsidered was adopted.

Representative Cyrus moved the adoption of the following Floor Amendment No. 3 to **SB 102:**

Amend printed copy of General Assembly copy of **SB 102,** page 26, line 22, by deleting the brackets "[]" surrounding the word "night";

and on page 26, line 24, at the end of the sentence by inserting the following:

"*The department may, however:*

(a) Regulate training seasons for rabbit dogs, raccoon dogs, bird dogs, and retrievers in such manner as not to discriminate against one type of animal over any other nor as to unduly limit such activities; and

(b) Permit rabbit dog, raccoon dog, bird dog, and retriever meets held by organized clubs, regardless of any hunting season, with the prior approval of the department."

Floor Amendment No. 3 to **SB 102** was adopted by voice vote.

Representative Deskins moved the adoption of Floor Amendment No. 1 to SB 102. (Floor Amendment No. 1 already inserted upon consideration when first adopted.)

On the roll call the vote was yeas 35-W. Allen, Arnold, Bennett, Blythe, Brown, Burnette, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Fitzgerald, Gray, Guenther, Holbrook, Holloway, Imes, Johnson, Jones, Layman, Lindsay, Little, Mann, Marcum, May, McNutt, Overstreet, Plummer, Rattliff, P. Richardson, Schmidt, R. Smith, Turner, Wilborn, Wright. Nays 41-Adams, Boatwright, Boswell, Brinkley, Bruce, Burch, Carpenter, Clarke, Craddock, Crupper, Davenport, Dietz, Donnermeyer, Dunn, Foster, Guy, Haering, Head, Isler, Kenton, LeMaster, List, Morris, Nett, Noe, O'Brien, Pearman, Petty, Richards, B. Richardson, Riner, Robinson, Siemens, F. Smith, Thomas, Trevey, Van Horn, Weinberg, Williams, Worthington, Yates.

Floor Amendment No. 1 to **SB 102** was rejected.

Representative Boatwright moved that **SB 102,** as amended, be passed.

Representative Deskins moved that **SB 102,** as amended, be laid on the table.

On the roll call the vote was yeas 36-W. Allen, Bennett, Blythe, Burnette, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Fitzgerald, Gray, Guenthner, Head, Hines, Holbrook, Holloway, Imes, Johnson, Kidd, Layman, Little, Mann, Marcum, May, Maynard, Overstreet, Plummer, P. Richardson, Sale, Schmidt, R. Smith, Wilborn, Wright, Yates. Nays 43-Adams, Arnold, Bendl, Benson, Beshear, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clarke, Craddock, Dietz, Donnermeyer, Dunn, Foster, Guy, Haering, Isler, Kleier, LeMaster, List, McNutt, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Priddy, B. Richardson, Robinson, Siemens, F. Smith, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, Williams, Worthington.

The motion that **SB 102,** as amended, be laid on the table was rejected.

On the roll call the vote was yeas 33-Adams, Arnold, Beshear, Boatwright, Boswell, Brinkley, Bruce, Burch, Carpenter, Clarke, Davenport, Donnermeyer, Dunn, Guy, LeMaster, List, McNutt, Morris, Noe, Priddy, Richards, B. Richardson, Robinson, Siemens, F. Smith, Stewart, Thomas, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams. Nays 44-W. Allen, Bennett, Blythe, Brown, Burnette, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Fitzgerald, Foster, Gray, Guenthner, Haering, Head, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Layman, Lindsay, Little, Mann, Marcum, May, Maynard, Nett, Patrick, Petty, Plummer, Riner, Sale, Schmidt, R. Smith, Stone, Wells, Worthington, Wright.

SB 102, as amended, was defeated.

Representative Isler moved that the vote by which **SB 102,** as amended, was defeated be reconsidered and said motion be postponed indefinitely. Agreed.

HB 568, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wilborn moved the adoption of the Committee Amendment No. 1 to **HB 568.** Agreed.

Representative Wilborn moved that **HB 568,** as amended, be passed.

On the roll call the vote was yeas 64-Adams, W. Allen, Bendl, Bennett, Benson, Beshear, Boswell, Brinkley, Brown, Burch, Carpenter, Clarke, Craddock, Davenport, Dawahare, Deskins, Dunn, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, May, Maynard, McBee, McNutt, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 14-Arnold, Blythe, Bruce, Burnette, Crupper, DeMarcus, Holbrook, Imes, Lindsay, Morris, Nett, Pearman, Riner, Trevey.

HB 568, as amended, was passed and the title agreed to.

Representative Wilborn moved that the vote by which **HB 568,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HJR 91** be recommitted to the Committee on Appropriations and Revenue. Agreed.

HR 95, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the adoption of the Committee Amendment No. 1 to **HR 95.** Agreed.

Representative Beshear moved that **HR 95,** as amended, be adopted.

HR 95, as amended, was adopted by voice vote.

SB 109 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60-Adams, Arnold, Bendl, Bennett, Benson, Blythe, Boatwright, Boswell, Brinkley, Burch, Carpenter, Clarke, Craddock, Crupper, Dawahare, DeFalaise, Donnermeyer, Dunn, Foster, Guy, Hancock, Hines, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, May, Maynard, McBee, Morris, Nett, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Weinberg, White, Wilborn, Williams, Worthington, Yates. Nays 17-Beshear, Brown, Davenport, Fitzgerald, Hearing, Holbrook, Imes, Layman, Marcum, Overstreet, Patrick, Pearman, Plummer, Rattliff, Schmidt, Van Horn, Wright.

SB 109 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 109** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 113 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 35-Adams, Arnold, Bendl, Benson, Boswell, Brinkley, Bruce, Burch, Burnette, Craddock, Deskins, Donnermeyer, Dunn, Foster, Gray, Guy, Hearing, Hancock, Head, Holloway, Imes, Johnson, Kidd, Kleier, Little, May, O'Brien, Plummer, Priddy, Richards, B. Richardson, Siemens, R. Smith, Weinberg, Wright. Nays 40-Beshear, Blythe, Brown, Clarke, Crupper, Davenport, Dawahare, DeFalaise, Dietz, Fitzgerald, Guenthner, Holbrook, Hurst, Isler, Jones, Kenton, Layman, LeMaster, Lindsay, List, Mann, Marcum, Maynard, McBee, Morris, Nett, Overstreet, Pearman, Petty, Rattliff, P. Richardson, Schmidt, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Williams, Yates.

SB 113 was defeated.

SB 167 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by majority of members elected.

On the roll call the vote was yeas 75-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brown, Bruce, Burch, Burnette, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, May, Maynard, McBee, Morris, Nett, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Turner, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 4-W. Allen, Holbrook, Trevey, Van Horn.

SB 167 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 167** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 163, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 163.** Agreed.

Representative B. Richardson moved that **SB 163,** as amended, be passed.

On the roll call the vote was yeas 72-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Mann, Marcum, May, Maynard, McBee, Morris, Nett, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, Stone, Turner, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright, Yates. Nays 5-Haering, Hurst, Lindsay, Noe, Robinson.

SB 163, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 163,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position.

Consent Orders of the Day

HB 745 and **SB 260** taken from Consent Orders of the Day and read at length for the third time. Representative B. Richardson moved that they be read by title only and placed upon passage.

Representative B. Richardson moved that **HB 745** be placed upon its passage.

On the roll call the vote was yeas 53-Arnold, Bennett, Benson, Blythe, Boswell, Brown, Burch, Carpenter, Davenport, DeFalaise, DeMarcus, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Head, Holbrook, Holloway, Imes, Isler, Kenton, Kidd, Kleier, LeMaster, List, Little, May, Maynard, McBee, Nett, Noe, O'Brien, Petty, Priddy, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wilborn, Williams, Wright, Yates. Nays 1-Pearman.

HB 745 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 745** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **SB 260** be passed.

On the roll call the vote was yeas 53-Adams, Arnold, Bendl, Bennett, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clarke, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Hancock, Holbrook, Holloway, Isler, Jones, Kleier, LeMaster, Little, Mann, May, Maynard, McBee, Nett, O'Brien, Petty, Plummer, Priddy, B. Richardson, P. Richardson, Riner, Robinson, Romines, Siemens, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wilborn, Wright, Yates. Nays 1-Pearman.

SB 260 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 260** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Announcements

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions.

Floor Amendment No. 1 to **HJR 96** by Representative Johnson.

Floor (Title) Amendment and Floor Amendment No. 4 to **SB 92** by Representative Mann.

Floor Amendment No. 1 to **SB 113** by Representative Holbrook.

Floor Amendment No. 2 to **SB 113** by Representative B. Richardson.

Floor Amendment No. 4 to **SB 114** by Representative Boswell.

Floor Amendment No. 5 to **SB 114** by Representative Gray.

Floor Amendment No. 1 to **SB 134** by Representative B. Richardson.

Floor (Title) Amendment and Floor Amendment No. 1 to **SB 193** by Representative Mann.

Floor Amendment No. 2 to **SB 222** by Representative Clarke.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 15, HB 29, HB 86, HB 128, HB 211, HB 401** and **HB 552** had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. **HB 15, HB 29, HB 86, HB 128, HB 211, HB 401, HB 552** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Representative B. Richardson moved to suspend the rules for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so by voice vote. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so until 2:00 P.M. Monday, March 13, 1978. Agreed.

Representative B. Richardson moved that no other business be conducted on this day than receipt of Senate Messages, Report of Committees, enrolling of Bills and Clerical duties. Agreed.

Recess

Representative Brinkley moved that the House recess for fifteen minutes. Agreed.

Representative Brinkley assumed the Chair and called the House to order.

Report of Committees

The Committee on Rules reported **HB 78, HB 565, HB 488, HB 709, HB 702, HB 743, SB 350, SB 348, SB 339, SB 329, SJR 19, HR 46, HCR 67, HCR 114, HCR 116, SB 307, SB 299, SB 292, SB 261, SB 291, SB 308, SB 312, SB 328, SCR 34, SB 256, SB 223, SB 222, SB 206, SB 188, SB 175, SB 174, SB 162, SB 155, SB 134, SB 124, SB 172,** and **SCR 42** have been posted for passage in Orders of the Day, March 13, 1978.

The Committee on Rules reported **HB 553** has been recommmitted to the Committee on Judiciary-Statutes.

The Committee on Rules reported **SB 88** has been recommitted to the Committee on Appropriations and Revenue.

Reference of Bills and Resolutions

The Clerk announced the following Bill has been referred by the Committee on Committees:

Labor and Industry: **HR 128.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Health and Welfare: **SB 290.**

Cities: **SB 251, SB 263.**

State Government: **SB 148, SB 334, SB 193.**

Public Utilities and Transportation: **SB 301.**

Agriculture and Natural Resources: **SB 281, SB 135, SB 304.**

Education: **SB 32, SB 48.**

Report of Committees

The Committee on State Government reported **SCR 52** and **SB 237,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SCR 52, A CONCURRENT RESOLUTION requesting the United States Congress to enact legislation prohibiting the U.S. Army Corps of Engineers from applying the benefit/cost ratio to flood control projects in the Commonwealth of Kentucky.

WHEREAS, during the past 5 years there have been 85 floods in Kentucky causing actual damages amounting to $181,848,000 according to the U.S. Army Corps of Engineers; and

WHEREAS, it is estimated that the floods of April 4-7, 1977 caused property damages well over $100,000,000 to 15 southeastern Kentucky counties and took the lives of 10 persons; and

WHEREAS, it is estimated that the floods of April 4-7, 1977 injured 2,255 persons, caused property losses to 9,715 families, and destroyed or severely damaged 4,507 homes and businesses; and

WHEREAS, the large number of floods, the actual damages caused by the floods, and the sociological damages to persons requiring rehabilitation or relocation evidence the necessity for immediate design and construction of flood control measures to prevent or reduce future damages from floods in the Commonwealth; and

WHEREAS, the benefit/cost ratio can be arbitrarily applied so that costs exceed benefits and deny construction of flood control measures for counties of the Commonwealth subject to flooding;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the United States Congress is hereby requested to enact legislation prohibiting the U.S. Army Corps of Engineers, when determining the necessity for flood control measures, from applying the benefit/cost ratio to flood control projects in the Commonwealth of Kentucky.

Section 2. That the Clerk be directed to send copies of this resolution to the President of the Senate, Speaker of the House, and members of the Kentucky delegation of the United States Congress.

SB 237, AN ACT relating to motion pictures.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

The purpose of this Act is to establish fair and open procedures for the bidding and negotiation of motion pictures within the Commonwealth in order to prevent unfair and deceptive acts or practices and unreasonable restraints of trade in the business of motion picture distribution within the Commonwealth; promote fair and effective competition in that business; and benefit the movie-going public by holding down admission prices to motion picture theatres, expanding the choice of motion pictures available to the public, and preventing exposure of the public to objectionable or unsuitable motion pictures by ensuring that exhibitors have the opportunity to view a picture before committing themselves to exhibiting it.

SECTION 2. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context requires otherwise:

(1) "Theatre" means any establishment in which motion pictures are exhibited to the public regularly for a charge.

(2) "Distributor" means any person engaged in the business of distributing or supplying motion pictures to exhibitors by rental, sale or licensing.

(3) "Exhibitor" means any person engaged in the business of operating one (1) more theatres.

(4) "Exhibit" or "exhibition" means showing a motion picture to the public for a charge.

(5) "Invitation to bid" means a written or oral solicitation or invitation by a distributor to one (1) more exhibitors to bid or negotiate for the right to exhibit a motion picture.

(6) "Bid" means a written or oral offer or proposal by an exhibitor to a distributor, in response to an invitation to bid or otherwise, stating the terms under which the exhibitor will agree to exhibit a motion picture.

(7) "License agreement" means any contract, agreement, understanding or condition between a distributor and an exhibitor relating to the licensing or exhibition of a motion picture by the exhibitor.

(8) "Trade screening" means making the motion picture available for screening in Ashland, Louisville, Owensboro and Paducah which screening is open to any exhibitor interested in exhibiting the motion picture.

(9) "Blind bidding" means the bidding for, negotiating for, or offering or agreeing to terms for the licensing or exhibition of, a motion picture if the motion picture has not been trade screened within the Commonwealth before any such event has occurred.

(10) "Run" means the continuous exhibition of a motion picture in a defined geographic area for a specified period of time. A "first run" is the first exhibition of a picture in the designated area, a "second run" is the second exhibition and "subsequent runs" are subsequent exhibitions after the second run.

SECTION 3. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

(1) Blind bidding is hereby prohibited within the Commonwealth. No bids shall be returnable, no negotiations for the exhibition or licensing of a motion picture shall take place, and no license agreement or any of its terms shall be agreed to, for the exhibition of any motion picture within the Commonwealth before the motion picture has been trade screened within the Commonwealth as defined by Section 2(8) of this Act.

(2) A distributor shall provide reasonable and uniform notice to exhibitors within the Commonwealth of all trade screening within the Commonwealth of motion pictures he is distributing and offering for bid.

(3) Any purported waiver of the requirements of this section shall be void and unenforceable.

SECTION 4. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

(1) If bids are solicited from exhibitors for the licensing of a motion picture within the Commonwealth the invitation to bid shall specify:

(a) The number and length of runs for which the bid is being solicited, whether it is a first, second or subsequent run, and the geographic area for each run;

(b) The names of all exhibitors who are being solicited;

(c) The date and hour the invitation to bid expires; and

(d) The location, including the address, where the bids will be opened.

(2) All bids shall be submitted in writing and shall be opened at the same time and in the presence of exhibitors, or their agents, who submitted bids and are present at such time.

(3) After being opened, bids shall be subject to examination by exhibitors, or their agents who submitted bids. Within ten (10) business days after due date of a bid, the distributor shall notify in writing each exhibitor who submitted a bid the name of the winning bidder or the fact that none of the bids are acceptable.

(4) Once bids are solicited, the distributor shall license the picture only by bidding and may solicit rebids if he does not accept any of the submitted bids.

SECTION 5. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:
In any civil action for damages against a person for violation of the provisions of this Act, the court may award damages to the prevailing party and reasonable attorneys fees. The provisions of this Act may be enforced by injunction or any other available equitable or legal remedy.

Section 6. The provisions of this Act shall take effect on July 1, 1978.

The Committee Amendment to **SB 237** is as follows:

Amend printed copy of **SB 237,** page 3, line 21, by deleting "(9)" and inserting, in lieu thereof, "(8)".

The Committee on Business Organizations and Professions reported **HCR 117** and **SB 255** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HCR 117, A CONCURRENT RESOLUTION directing the Legislative Research Commission to review and evaluate the need for licensing various occupations and professions in Kentucky.

WHEREAS, the proliferation of licensing boards, commissions, and agencies is increasing with each legislative session; and

WHEREAS, the licensing of occupations and professions should be used only to protect the health, safety or welfare of the general public; and

WHEREAS, the licensing of occupations and professions because of its restrictive nature can adversely affect the competitive market; and

WHEREAS, higher prices for consumer goods and services may result from occupational and professional licensing; and

WHEREAS, the fees, regulations and red tape associated with occupational and professional licensing contributes to the public disenchantment with state government; and

WHEREAS, other states review and evaluate occupational and professional boards, agencies and commissions;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to review and evaluate various boards, commissions and agencies of the Commonwealth of Kentucky which license or certify various occupations or professions.

Section 2. The evaluations directed herein shall be based on relevant criteria to include but not to be limited to how the licensing of each occupation and profession protects the health, safety or welfare of the general public. Each board, agency or commission under evaluation shall cooperate with the Legislative Research Commission in conducting the evaluations and shall supply any and all information requested by the Legislative Research Commission in completing the evaluations.

Section 3. The results of the evaluations directed herein shall be reported to the Interim Joint Committee on Business Organizations and Professions by July 1, 1979, and a report and appropriate legislation shall be prepared for presentation to the 1980 General Assembly.

Section 4. That staff services to be utilized in completing these evaluations are estimated to cost $24,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

SB 255, AN ACT relating to medical review organizations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 311.377 is amended to read as follows:

(1) *Any person who applies for, or is granted staff privileges after the effective date of this Act, by any health services organization subject to licensing under the provisions of KRS 216.405 through KRS 216.485 shall be deemed to have waived as a condition of such application or grant, any claim for damages for any good faith action taken by any person who is a member, participant in or employe of or who furnishes professional counsel or services to any committee, board, commission, or other entity which is duly constituted by any licensed hospital, medical society, or association affiliated with the American medical association, American podiatry association, American dental association, American osteopathic association or the American hospital association, or a medical care foundation affiliated with such a medical society or association, or governmental or quasi-governmental agency designated to review and evaluate the health care acts of other health care personnel. This subsection shall have equal application to, and the waiver be effective for, those persons who, subsequent to the effective date of this Act, continue to exercise staff privileges previously granted by any such health services organization* [No person who is a member, participant in or employe of, or who furnishes professional counsel or services to any committee, board, commission, professional standards review organization, or other entity which is duly constituted by any licensed hospital, medical society or association affiliated with the American Medical Association, American Podiatry Association, American Dental Association, American Osteopathic Association or the American Hospital Association, or a medical care foundation affiliated with such a medical society or association, or governmental or quasi-governmental agency for the purpose of reviewing and evaluating the health care acts of other health care personnel; and no appointed member of the state health planning council; and no member of a recognized health systems agency shall be required to respond in damages for any action taken by him in good faith as a member, participant, employe, or provider of professional counsel or services to such committee, board, commission, professional standards review organizations, or other entity].

(2) The proceedings, records, opinions, conclusions and recommendations of any committee, board, commission, professional standards review organization, or other entity, as referred to in subsection (1) of this section *shall be confidential and privileged and,* shall not be subject to discovery, subpoena, or introduction into evidence, in any civil action in any court or in any administrative proceeding before any board, body, or committee, whether federal, state, county, or city. *This subsection shall not apply to any proceedings or matters governed exclusively by federal law or federal regulation.*

(3) Nothing in subsection (2) of this section shall be construed to restrict or limit the right to discover or use in any civil action or other administrative proceeding any evidence, document or record which is subject to discovery independently of the proceedings of the committee, board, commission, professional standards review organization or other entity to which subsection (1) of this section refers.

(4) No person who presents or offers evidence in proceedings described in subsection (2) of this section or who is a member of any committee, board, commission, professional standards review organization before which such evidence is presented or offered may refuse to testify in discovery or upon a trial of any civil action as to any evidence, document or record described in subsection (3) of this section or as to any information within his own knowledge except as provided in subsection (5) of this section.

(5) No person shall be permitted or compelled to testify concerning his testimony or the testimony of others except that of a defendant given in any proceeding referred to in subsection (2) of this section, or as to any of his opinions formed as a result of such proceeding.

(6) In any action in which the denial of staff privileges by any health care entity shall be in issue, agents, employees or other representatives of a health care entity may with the consent of such health care entity testify concerning any evidence presented in proceedings related to the entity's denial of such staff privileges.

(7) Nothing in this section shall be construed to restrict or prevent the presentation of testimony, records, findings, recommendations, evaluations, opinions, or other actions of any committee, board, commission, professional standards review organization, or other entity described in subsection (1) of this section, in any statutory or administrative proceeding related to the functions or duties of any committee, board, commission, professional standards review organization, or other entity.

The Committee on Judiciary-Courts reported **SB 284**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 284, AN ACT relating to judicial retirement and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 21.345 is amended to read as follows:

(1) For the purposes of KRS 21.350 to 21.510, "retirement" means a voluntary resignation or a failure of re-election, but does not include a removal for cause.

(2) The word "service" as used in KRS 21.370 to 21.480 means service *as a justice of the Supreme Court,* as a judge [or commissioner] of the Court of Appeals *created by Section 111 of the Constitution of Kentucky,* [or] as a regular circuit judge, or as a *regular judge of the district court* [director of the administrative office of the courts], including service in one (1) and then another of those capacities. *It also includes service as a judge or commissioner of the former Court of Appeals, or as director of the administrative office of the courts, prior to January 1, 1976, and service continuing beyond that date, in any capacity in or for the Court of Justice, by any person who held the office of commissioner of the former Court of Appeals, or director of the administrative office of the courts, on December 31, 1975. The word "service" embraces only service performed while a member of the retirement system established by KRS 21.350 to 21.510, except that, service in any of the positions hereinabove mentioned, before the judicial retirement system was made applicable to that category of position, shall be included.*

(3) For the purposes of KRS 21.345 to *21.510* [21.520], a "year" of service means a total of twelve (12) months of service, which need not be in the same calendar year. Service in any calendar month shall be deemed to constitute a month of service.

(4) The provisions of this section shall not apply to any director of the administrative office of the courts appointed after January 1, 1976, nor shall they apply to any commissioner of the Court of Appeals not appointed prior to January 1, 1976. The administrative director of the courts and commissioners of the Court of Appeals appointed prior to January 1, 1976, shall continue to be members of the system so long as they continue to render service in any capacity in or for the Court of Justice.

Section 2. KRS 21.350 is amended to read as follows:

(1) Except as provided in subsection (2) of this section, membership in the retirement system established by KRS 21.350 to 21.510 shall consist of, and be confined to, justices of the Supreme Court, judges of the Court of Appeals created by Section 111 of the Constitution of Kentucky, circuit judges, and judges of the district court, who have made an election to participate in accordance with KRS 21.360.

(2) Any person who was a member on December 31, 1975, by virtue of holding on that date the office of commissioner of the former Court of Appeals or director of the administrative office of the courts, shall continue in membership so long as he continues to render service in any capacity in or for the Court of Justice.

(3) The limitation of membership made by this section does not affect rights to benefits based on service rendered before the 1978 amendment to this section took effect. [There hereby is created a retirement system for judges and commissioners of the Court of Appeals. Each judge and commissioner in office on July 1, 1960, except as provided in KRS 21.500, and each judge and commissioner thereafter taking office, may acquire membership in the system in accordance with the provisions of KRS 21.360.]

Section 3. KRS 21.360 is amended to read as follows:

(1) Each judge *of the district court* [and commissioner] in office on July 1, *1978* [1960], may within thirty (30) days after that date, and any judge or *justice of any court entitled to be a member* [commissioner] thereafter taking office may within thirty (30) days after taking office, elect to make monthly contributions to the retirement system in an amount equal to *five percent (5%)* [three percent (3%)] of his monthly official salary. The election shall be effective to establish membership in the system as of July 1, *1978* [1960], or as of the date the judge or *justice* [commissioner] took office, as the case may be. The election shall be addressed to and filed with the secretary of the executive department for finance and administration, and shall constitute an authorization by the member, to the secretary, to thereafter cause to be deducted from the member's official salary, each month, an amount equal to *five percent (5%)* [three percent (3%)] of the monthly salary, as a voluntary contribution by the member towards the funding of the retirement system. Such election, upon being made, shall operate to create an inviolable contract between such member and the Commonwealth, guaranteeing to and vesting in the member the rights and benefits provided for under the terms and conditions of KRS 21.350 to 21.510.

(2) Membership, and benefit rights, for judges and justices (other than judges of the district court), and for the commissioners and administrative director, who took office prior to July 1, 1978, shall be dependent upon valid elections having been made under this section (and KRS 21.355 and 21.365) prior to the 1978 amendment to this section. The terms of such elections, including the contribution rate, shall continue to govern for the duration of the member's service.

Section 4. KRS 21.375 is amended to read as follows:

If at the time a person becomes a member of the judicial retirement system he has service credit in the Kentucky employes retirement system, county employes retirement system, state police retirement system, or teachers retirement system, [but not enough to have obtained vesting in the system in which he has that credit,] the period of service for which he earned that credit shall be counted toward the eight (8) years of service required for vesting in the judicial retirement system, but shall not be counted as service for the purpose of computation of benefits.

Section 5. KRS 21.400 is amended to read as follows:

(1) A member who retires on or after his normal retirement date shall receive a service retirement allowance, payable monthly during his lifetime, in an amount per month equal to *four and fifteen one hundredths percent (4.15%)* [five percent (5%)] of his final compensation multiplied by the number of years of his service, [including service before becoming a member of the system,] but in no event to exceed one hundred percent (100%) of final compensation, *except that for any service performed while a member prior to July 1, 1978, any service prior to July 1, 1962 creditable under KRS 21.345, and any service performed in continued membership (or allowable under KRS 21.410 or 21.420) after June 30, 1978, by a person who was a member on that date, the monthly percentage figure shall be five percent (5%), and except that allowances heretofore granted, and rights related thereto, shall not be affected by the 1978 amendment to this section.* For this purpose, "final compensation" means the average monthly compensation of the member for the sixty (60) months of service immediately preceding his retirement, including, in the case of a circuit judge, compensation received as special commissioner of the *former* Court of Appeals. *If, at the time of retirement or death of a member his total period of service in one or more positions covered by the system has not amounted to sixty (60) months, his "final compensation" shall be computed as if he had served in the first position he occupied under the system for such period of time as to bring his total service (in all positions) to sixty (60) months. If that category of position was not in existence for that period, it shall be treated as though it had been in existence for that period and as if the compensation paid for the presumed period of existence was at the rate provided for the category when it in fact first was created.*

(2) A member who retires before his normal retirement date shall be vested with the right to receive, when he reaches his normal retirement age, a service retirement allowance computed and payable in accordance with the provisions of subsection (1) of this section, on the basis of the number of years of his actual service.

(3) In lieu of the right provided for in subsection (2) of this section, a member who retires before his normal retirement age may elect, at any time before reaching his normal retirement age, to be paid commencing as of the time of the election a monthly service retirement allowance equal in amount to the monthly allowance that would have become payable under subsection (2) of this section when he reached his normal retirement age, reduced actuarially in accordance with his actual age at the time the election is made.

Section 6. KRS 21.415 is amended to read as follows:

Retirement benefits for a justice of the Supreme Court, judge of the Court of Appeals, [or] circuit judge, *or district judge* retired for disability under section 121 of the Constitution of Kentucky shall be in accordance with KRS 21.410. The judicial retirement board, in the case of such a retirement, shall exercise no function with respect to determining the existence or continuance of disability.

Section 7. The Kentucky employes retirement system shall transfer from its funds, to the judicial retirement system, as of July 1, 1978, an amount equal to the members' and employer's contributions made to the Kentucky employes retirement system for the period from January 1, 1978 to June 30, 1978, for judges of the district court, less such amount as is attributable to any judges of the district court who do not elect, by July 30, 1978, to participate in the judicial retirement system.

Section 8. Out of the amount appropriated to the judiciary for the fiscal years 1978-79 and 1979-80 there shall be allotted to the judicial retirement system, in addition to the allotments designated by the budget document, such sums as were intended for the employer's contribution to the Kentucky employes retirement system for judges of the district court. In the event any judges of the district court do not elect, by July 30, 1978, to participate in the judicial retirement system, the amount of employer's contribution attributable to them shall be deducted from the sums above referred to.

Section 9. For funding purposes, there is appropriated to the judicial retirement system, out of the general expenditure fund in the state treasury, for the fiscal years 1977-78, 1978-79 and 1979-80, the following respective amounts:

1977-78— $233,000
1978-79— $474,600
1979-80— $508,600

Section 10. KRS 21.355, Membership; and 21.365, Circuit judges and director of administrative office of the courts entitled to participate, are repealed.

Section 11. This Act shall become effective on July 1, 1978.

The Committee Amendment to **SB 284** is as follows:

Amend printed copy of General Assembly copy of **SB 284**, page 5, between lines 5 and 6, by inserting the following:

"*(3) When any judge of the district court in office on July 1, 1978 elects membership in the Judicial Retirement System in accordance with this section, his membership in the Kentucky Employes Retirement System will terminate as of July 1, 1978 and any credit in that system he earned for service as a judge of the district court shall be nullified; provided that the effect of such service to validate any other service credit in that system shall not be nullified.*"

The Committee on Public Utilities and Transportation reported **HB 394** and **SB 279**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 394, AN ACT relating to liens on motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.230 is amended to read as follows:
The county clerk shall see that KRS 186.005 to 186.260 in his county are enforced. In so doing, he shall:
(1) Take all applications as provided in KRS 186.005 to 186.260;
(2) Issue the receipts on blanks furnished by the department;
(3) Collect the fees due the state;
(4) Distribute the registration plates furnished by the department of transportation and bureau of vehicle regulation and keep a complete public record of all registrations for his county, in his office;
(5) Report and remit each Monday to the department of transportation all moneys collected during the previous week, together with a duplicate of all receipts issued by him during the same period. He shall make all checks payable to the state treasurer. Unless the clerk forwards duplicates of all receipts issued by him during the reporting period with his report and remits the amount shown due by the report within seven (7) days after the report and remittance are due, he shall pay a penalty of one per cent (1%) per month or fraction thereof on the amount of money shown to be due on the report. The department may in its discretion grant a county clerk a reasonable extension of time to file his report and remit all moneys not to exceed ten (10) days for any one report. The extension however must be requested prior to the end of the seven-day period and shall begin to run at the end of said period. All penalties collected under this provision shall be paid into the state treasury as a part of the revenue collected under KRS 186.005 to 186.260;
(6) The clerk shall mail to the department of transportation one (1) duplicate of all receipts issued by him within two (2) weeks of the date of issuance. The department of transportation shall make the receipts pertaining to commercial vehicles available to the bureau of vehicle regulation for use in assimilating data therefrom;
(7) Account to the department of transportation for all registration plates and receipt forms consigned to him, at such time or times as the department of transportation may direct, and give the appropriate department timely notice of a probable deficiency of plates or other supplies;
(8) Any county clerk, who in collecting the taxes and fees due the state or county clerk, accepts in payment thereof a check which is not honored upon presentment, shall have a lien on the vehicle for the amount of such check. This lien shall be subordinate to any prior perfected lien, either contractual or statutory*;*
(9) No person shall be permitted to sell, trade or transfer ownership of a motor vehicle if evidence is presented to the county clerk that any lien exists on the motor vehicle.

SB 279, AN ACT relating to energy cost assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) There is established within the department for human resources an energy cost assistance program for making money payments to or on behalf of citizens of the Commonwealth for the purpose of purchasing or supplementing the cost of energy for household use.

(2) Citizens of the Commonwealth who incur expenses for providing energy by purchase from suppliers, by his own labors, or through the payment of rent, whether or not included in a charge for other goods and services, which includes the cost of energy supplied to premises occupied as their principal residence shall be eligible to receive the benefit of the payments to themselves or to providers of energy to such household if:

(a) The citizen is sixty-two (62) years of age or older and has a gross income equal to or less than one hundred twenty-five percent (125%) of the poverty level of income designated by the Community Services Administration of the United States government; or

(b) The citizen is blind or permanently and totally disabled and receiving supplemental security income benefits under the social security act or is blind or permanently and totally disabled and receiving medicaid benefits under the medical assistance program.

(3) The department shall establish by regulation a schedule of payments to or on behalf of eligible citizens which shall fairly and reasonably allocate the funds available among those eligible to receive payments under this Act and shall consider the beneficiary's income, resources and family size of the household. In no event shall payments be made to or on behalf of any person whose gross income from all sources exceeds one hundred twenty-five percent (125%) of the poverty level of income as provided for such individuals by the Community Services Administration of the United States government.

(4) Payments made under this Act shall be for a period of four (4) months during each twelve (12) month period for which funds are available. At its discretion and to insure the proper application of the funds appropriated for this purpose, the department may elect to make payments to vendors or suppliers or jointly to vendors and eligible recipients.

Section 2. The department for human resources shall report to the interim joint committee for public utilities and transportation on the implementation of this program. The report shall include the number of recipients, the amount expended, and any other relevant data, and shall be made to the committee before July 1, 1979 and again before July 1, 1980.

Section 3. There is appropriated from the general fund to the department for human resources for the energy cost assistance program the sum of five million dollars ($5,000,000) for the fiscal year 1978-79 and the sum of five million dollars ($5,000,000) for the fiscal year 1979-80.

The Committee Amendment to **SB 279** is as follows:

Amend printed copy of Committee Amendment for **SB 279,** page 1, line 9, by deleting the word "his" and inserting in lieu thereof the word "their";

and on page 1, line 17, by inserting after the word "has" and before the word "a" the words "or is a member of a family having"

and on page 1, line 19, by inserting after the word "income" and before the word "designated" the words "for an individual or family of that size";

and on page 2, line 3, by deleting the words "and receiving" and inserting in lieu thereof the words "and is currently eligible for";

and on page 2, line 6, by deleting the words "to or on behalf of eligible citizens" and inserting in lieu thereof the words "and benefit levels under this program to be based on income, resources and family size";

and on page 2, lines 7 through 9, by deleting lines 7 through 9 in their entirety;

and on page 2, line 10, by deleting the words "resources and family size of the household";

and on page 2, line 12, by inserting before the word "whose" the words "or family";

and on page 2, line 14, by inserting after the word "individuals" the words "or family";

and on page 3, line 7, by inserting after "1979-80." the following: "Any unexpended balance of the five million dollars ($5,000,000) appropriated for this purpose in fiscal year 1978-79 shall not lapse and shall be carried forward and added to the five million dollars ($5,000,000) appropriated for this purpose in 1979-80. Upon expenditure of these appropriations, the energy cost assistance program shall terminate."

The Committee on Health and Welfare reported **HB 764, HCR 110, SB 316,** and **SCR 45** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 764, AN ACT relating to family rehabilitation homes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 199.011 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Secretary" means the secretary for human resources.

(2) "Department" means the department for human resources.

(3) "Bureau" means the bureau for social services.

(4) "Child" means any person who has not reached his eighteenth (18th) birthday.

(5) "Dependent child" means any child who is under improper care, control, or guardianship that is not due to the negligence of the parent or guardian, provided that the child is not an abused or neglected child.

(6) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian or any other person: inflicts or allows to be inflicted upon the child, physical or mental injury by other than accidental means; creates or allows to be created a risk of physical or mental injury to the child by other than accidental means; commits or allows to be committed an act of sexual abuse upon the child; wilfully abandons or exploits such child; does not provide the child with adequate care and supervision; food, clothing and shelter; education; or medical care necessary for the child's well-being; Provided, however, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This exception, however, shall not preclude a court from ordering that medical services be provided to the child, where his health requires it.

(7) "Child-caring facility" means any institution or group home other than a state facility, or one certified by an appropriate agency as operated primarily for educational or medical purposes providing residential care on a twenty-four (24) hour basis to children, not related by blood, adoption or marriage to the person maintaining the facility.

(8) "Child-placing agency" means any agency other than a state agency which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption.

(9) "Child welfare worker" means an employe of the department designated as such by the secretary for human resources or social worker employed by a county or city who has been approved by the department to handle, under its supervision, services to children.

(10) "Boarding home or foster parent" as used in subsection (4) of KRS 199.600 means persons who board children held in custody by the department.

(11) "Foster family home" means a private home in which children are placed for foster family care under supervision of the department or of a licensed child-placing agency.

(12) "Group home" means a homelike facility for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources.

(13) "Institution" means a child-caring facility providing care or maintenance for nine (9) or more children.

(14) "Family rehabilitation home" means a child-caring facility for appropriate families and comprising not more than twelve (12) children and two (2) staff persons.

Section 2. KRS 199.640 is amended to read as follows:

(1) No person, association or organization shall conduct, operate or maintain any child-caring facility or child-placing agency without having a license to do so issued by the department.

(2) Licenses issued to the agency or facility shall be valid until revoked by the department provided that each licensed facility or agency shall be visited and inspected by a person authorized by the department at least once each year and a complete report of such visit or inspection be filed with the department. Each license issued shall specify the type of care or service the licensee is authorized to perform. The commissioner may adopt regulations establishing standards of care and service for child-caring facilities and child-placing

agencies relating to the sanitary and hygienic conditions, the accommodations available for each child, the diet provided, the safety of the child from fire and other accidents and hazards, and such other factors as may be necessary to promote the welfare of children cared for or placed by such agencies and facilities;.

(3) Each agency or facility licensed under this section shall keep a record containing:

(a) The names, ages, present and former residences of all children received;

(b) The names, residence and occupation so far as is known, of the parents;

(c) The dates of the reception, placing out for adoption or foster care, together with the names, occupation and residence of the persons with whom the child is placed;

(d) The date and cause of termination of its custody of each child; and

(e) A brief history of each child until he shall have reached the age of eighteen (18) years or shall have been adopted or discharged according to the law.

(4) *Parents are received or boarded in a family rehabilitation home pursuant to a written agreement between home and parent.*

(5) All records regarding children or facts learned about children and their parents and relatives by any licensed agency or facility shall be deemed confidential in the same manner and subject to the same provisions as similar records of the department. The information thus obtained shall not be published or be open for public inspection except to authorized employes of the department or of such licensed agency or facility in performance of their duties.

HCR 110, A CONCURRENT RESOLUTION directing the Interim Joint Committee on Health and Welfare to study the foster care program in Kentucky and the need for a Kentucky advisory board for foster care.

WHEREAS, agencies responsible for the placement of children in foster homes should consider the best interests of the child in making such placements; and

WHEREAS, foster parents with whom a child is placed for the purpose of foster care may want to later adopt the child but may encounter resistance from the agency placing the child; and

WHEREAS, the right of foster parents to initiate procedures for the termination of parental rights for a child in such foster parents' care is an area which needs further study; and

WHEREAS, a child who is placed in numerous foster homes without an opportunity for a permanent home may lose his ability to trust and to establish caring relationships; and

WHEREAS, foster parents are concerned about the present policies and procedures for foster care; and

WHEREAS, the quality and appropriateness of care provided to children in foster care needs additional study; and

WHEREAS, the role of foster parents needs careful study;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Interim Joint Committee on Health and Welfare is directed to study the foster care program in Kentucky and the need for a Kentucky advisory board for foster care.

Section 2. That the Interim Joint Committee on Health and Welfare shall report its findings and recommendations to the General Assembly not later than June 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $16,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

SB 316, AN ACT relating to health facilities and health services.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 216.415 to 216.485 IS CREATED TO READ AS FOLLOWS:

The department for human resources shall not adopt any rule or regulation requiring any health facility and health service to participate in any medicare program in order to participate in any state medicaid program.

SCR 45, A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct an independent study on the costs to Kentucky pharmacists to dispense prescriptions paid for by the medicaid program.

WHEREAS, the costs to pharmacists to dispense prescriptions paid for by medicaid was a subject of great controversy during the 1978 General Assembly; and

WHEREAS, during the 1978 General Assembly, several different surveys and studies were cited by both the Department for Human Resources and the Kentucky Pharmaceutical Association regarding the costs of dispensing drugs;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. The Legislative Research Commission shall conduct an independent study and survey on the costs to Kentucky pharmacists to dispense prescriptions paid for by the medicaid program.

Section 2. The findings and recommendations shall be reported to the Interim Joint Committee on Health and Welfare no later than June 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $12,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee on Labor and Industry reported **HB 716** with the expression of opinion that the same should pass, Read at length for the first time and ordered placed in the Calendar.

HB 716, AN ACT relating to collective bargaining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

When any business which has a collective bargaining agreement is sold, the collective bargaining agreement shall be binding on the new owner until its expiration date.

The Committee on Appropriations and Revenue reported **SJR 5, SB 257, SB 335**, **SB 337,** and **SB 340** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SJR 5, A JOINT RESOLUTION authorizing and directing research about historical black families in Kentucky and making an appropriation therefor.

WHEREAS, black families have lived in Kentucky since before the state was admitted to the union; and

WHEREAS, the accomplishments of black families have greatly enriched the history of this Commonwealth; and

WHEREAS, it is deemed worthwhile that the history of black families in Kentucky be documented and published in order that all people might know of their achievements and their contributions to the state and its heritage;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky Historical Society is authorized and directed to undertake research about historical black families in Kentucky.

Section 2. That such research, upon its completion, shall be published and made available to the public at large.

Section 3. That the sum of $25,000 is hereby appropriated to the Historical Society to carry out the direction of this resolution.

SB 257, AN ACT relating to vital statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 213.190 is amended to read as follows:

(1) The department for human resources shall, upon request, furnish any applicant a certified copy of the record of any birth, death, or other record registered with such department as provided by law when the department is satisfied that the applicant has a direct, tangible and legitimate interest in the information or record requested. The applicant shall pay a reasonable fee set by regulation promulgated by the secretary for human resources which shall not exceed *four* [two] dollars *($4.00)* [($2.00)] for a copy of a birth, death, or other certificate or search of the files, if no copy is found. Any such certified copy shall be prima facie evidence of the facts therein stated.

(2) No fee or compensation shall be allowed or paid for furnishing certificates of birth or death required in support of any claim against the government for compensation, insurance, back pay or other allowances of any person who has at any time served as a member of the army, navy, marine corps or air force of the United States.

SB 335, AN ACT relating to financial and technical assistance to business, industry, agriculture and tourism through a reconstituted authority established for that purpose.

WHEREAS, at very modest cost to itself, the Commonwealth of Kentucky has been able to render financial and technical assistance to new or expanding industry in the state through the operation of its industrial development finance authority established by Chapter 152 of the 1958 Acts of the General Assembly, now compiled as Chapter 154 of the Kentucky Revised Statutes; and

WHEREAS, agriculture and tourism constitute economic activities which could also be assisted through the encouragement of businesses related to and supportive of such activities; and

WHEREAS, industry, agriculture and tourism, and the businesses connected therewith, can all be assisted through an expansion of the functions of the state's development authority, and such authority can also provide technical assistance in the application of federal programs and can accelerate such programs by providing interim or supplementary financing;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 154.001 is amended to read as follows:

This chapter shall be known as the *Kentucky* [industrial] development finance act.

Section 2. KRS 154.005 is amended to read as follows:

It is the purpose of this chapter to promote the health, safety, morals, right to gainful employment, business *and economic development* opportunities and general welfare of the inhabitants of the Commonwealth by the creation of a body corporate and politic to be known as the "*Kentucky* [industrial] development finance authority" which shall exist and operate for the public purpose of alleviating unemployment and furthering the utilization of natural and man-made resources by the promotion and development of industrial, [and] manufacturing, *tourist and agricultural* enterprises in local communities of the Commonwealth. Such purposes are hereby declared to be public purposes for which public money may be spent.

Section 3. KRS 154.010 is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "Authority" means the *Kentucky* [industrial] development finance authority;

(2) "Local development agency" means any incorporated organization, *commission, cooperative,* foundation, association or agency, regardless of the particular name, to whose members or shareholders no profit inures, and which has as its primary function the promotion, encouragement and development of industrial and manufacturing enterprises;

(3) "Industrial building project" means any site, structure, facility or undertaking comprising or being connected with or being a part of an industrial or manufacturing enterprise established or to be established by a local development agency, [;] and *may, in addition and only for the purpose of any guarantee or insurance contract as provided in this Act, include an industrial subdivision project as defined in this Act, or a river port authority as established by statute;*

(4) "Industrial subdivision project" means any tract of land of not less than twenty-five (25) acres, located within or near the corporate limits of a city, together with utilities, services, and access roads, to be

acquired by a local development agency and sold or leased to one or more manufacturing enterprises; [.]

(5) "Agricultural project" means any site, structure, facility or undertaking, including machinery or equipment to the extent permitted by regulation, recommended by a local development corporation and concerned with the processing of raw agricultural products, including timber, or providing value added functions or supplying ingredients used for the production of basic agricultural crops and products; and shall include grain elevators and storage facilities, canneries, and horticultural, bee-keeping, meat packing, agricultural publication, fertilizer and specialty food product facilities;

(6) "Area of responsibility" means one (1) or more of the three (3) economic activities in which the authority is empowered to render assistance: (a)industry and manufacturing, which may, for the purposes of the insurance and guarantee provisions of this Act, include industrial subdivision projects and undertakings by riverport authorities, (b)agriculture, and (c)tourism;

(7) "Assistance fee" means any payment made by the authority to the insurance corporation from one of the mortgage insurance funds in the establishment of an industrial building, agricultural or tourist project;

(8) "Contract" means the agreement between the authority and the insurance corporation under the terms of which the latter undertakes to insure the payment of mortgage loans;

(9) "Federal application" means an application to the government;

(10) "Government" means the United States of America or one of its agencies which is authorized to make or to guarantee loans for an industrial building, agricultural or tourist project, including the small business administration, the farmers home administration, the economic development administration, the department of housing and urban development and the appalachian regional commission;

(11) "Insurance corporation" means that non-profit mortgage insurance corporation which may be established at the request of the authority as provided in this Act;

(12) "Interim guarantee" means that guarantee of a mortgage entered into by the insurance corporation for the period beginning with the preparation of the federal application and ending with an immediate or deferred guarantee participation in the loan;

(13) "Loan application" means either an application for a direct loan to be made from the funds appropriated to the authority for the purpose, or an application for insurance of a loan made or to be made by another governmental lender or by a private person or corporation, whether on an interim or a permanent basis;

(14) "Local development corporation" means a corporation formed for the primary purpose of furthering economic development in a defined area of Kentucky in any one or more areas of responsibility, or a tourist commission established by a municipal corporation by ordinance or resolution. If a corporation, it shall have at least 75% of its ownership and control vested in individuals residing or doing business in the area development district in which it is operating. No more than 25% of the ownership and control of such corporation may be held (a) by a single individual or corporation (including affiliates) if such individual or corporation has an interest in the project to be developed, or (b) by the owner of any major interest in any business being assisted by an authority loan or loan guaranty;

(15) "Mortgage insurance fund" means any one of the three (3) funds established by the Act, one (1) for each area of responsibility, from which payments may be made or advanced to the insurance corporation in payment of assistance fees;

(16) "Permanent guarantee" means (a) the guarantee made by the insurance corporation in excess of the amount which will be guaranteed by the government if the application to the government is accepted, or (b) if the application to the government is not accepted, the obligation of the insurance corporation to the extent to which it may exist under the terms of any specific agreement, or (c) in the case of an industrial subdivision or riverport authority project, a coparticipation as permitted for direct loans under KRS 154.080 or 154.125, or of an agricultural or tourist project, the guarantee made by the insurance corporation to a project for which federal application has been or is being made, but which is otherwise eligible under regulations prescribed by the authority under this Act;

(17) "Tourist project" means any site, structure, facility or undertaking, including equipment and fixtures to the extent permitted by regulation, recommended by a local development corporation and concerned with tourism; and

(18) "Trust account" means that account in one or more trust companies in the name of the insurance corporation into which shall be paid all of the assistance fees paid to the insurance corporation under the contract with the authority.

Section 4. KRS 154.020 is amended to read as follows:

(1) There shall be a [an industrial] development finance authority in the state government *which shall be known as the Kentucky development finance authority*, which shall be an *independent* agency [independent] of the *Commonwealth not* [executive branch, shall not be] attached to any administrative department *except for housekeeping purposes as hereinafter prescribed* [, but which shall operate in close cooperation with the Kentucky economic development commission].

(2) The authority shall consist of the chairman of the economic development commission, [the commissioner of banking and securities,] the commissioner of commerce, the secretary of the development cabinet, and the *secretary* [commissioner] of the executive department for finance and administration, *nine (9) at large* [three (3)] members appointed by the governor. *Of the nine (9) at large members, three (3) shall be representative of industrial or manufacturing interests, three (3) shall be representative of agricultural interests, and three (3) shall be representative of tourism interests* [from the economic development commission, and three (3) additional members appointed by the governor, one (1) each to be appointed from lists of nominees submitted by the Kentucky state bankers association and the Kentucky chamber of commerce, and a third to be a Kentucky member in good standing of the national association of securities dealers]. The chairman shall be the chairman of the economic development commission. *Each ex-officio member of the authority, as described in this section, may, if he is unable to be present at a meeting of the authority appoint in writing a substitute, who shall act for him at the particular meeting for which he is appointed, with full voting and other powers as a member of the authority or of the board, as the case may be. The writing by which the appointment is made shall be filed as a part of the records of the meeting.*

(3) *The terms of all appointive members of the former industrial development finance authority shall be deemed to have expired as of midnight on June 30, 1978. The terms of the new appointed members of the Kentucky development finance authority shall commence as of July 1, 1978.*

(4) Two (2) members initially appointed by the governor shall be appointed for *a term* [terms] of one (1) year, [and] two (2) members for two (2), *two (2)* [one (1) each] for three (3), and *three (3) for* four (4) years, respectively, from the date of their appointment and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the governor at the time of his appointment. Their successors shall each be appointed for a term of four (4) years, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member of the authority shall be eligible for reappointment.

(5) [(4)] Members of the authority shall be entitled to [no] compensation for their services as members *in the amount of $100 for each regular meeting of the authority, and* [, but] shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

Section 5. KRS 154.025 is amended to read as follows:

The authority shall be attached to the department of commerce for *housekeeping* [administrative] purposes subject to the following conditions:

(a) The authority shall make all policy as it pertains to loans, *whether such loans are direct loans or insured loans made by other lenders.* [: the applicants, presentation to the authority commitments, closing documents, servicing, extensions, and all other actions necessary to make and collect loans.]

(b) The [department of commerce shall administer the] payroll and other expenses of the authority *shall be administered* in accord with paragraph (a) above [, provide space, and other necessary services at cost]

(c) The executive department for finance and administration shall keep separate trust and agency accounts for the loan fund, [and] the interest received fund, *and the mortgage insurance funds for the authority established for industrial, agricultural, and tourism development.* The [department of commerce shall charge the] interest received fund *may be charged* for the expenses of the authority on a periodical basis.

(d) *The authority may appoint an executive director and fix his salary, subject to the approval of the commissioner of personnel. The executive director shall perform, in the name of the authority, such functions and duties and may exercise such powers of the authority as the authority may delegate to him, including the provision of staff services for the authority and each committee thereof.* The executive director shall be [appointed or] dismissed only with the approval of the authority.

Section 6. KRS 154.030 is amended to read as follows:

(1) A majority of the members shall constitute a quorum for the purpose of organizing the authority and conducting the business thereof, and [, except in the instance of applications for financial assistance,] all *such* action may be taken by a vote of a majority of the members present, except where regulations of the authority prescribe a larger number. Approval or rejection of loan applications shall be by a majority vote of the full membership of the authority.

(2) The authority is authorized to make reimbursement to any agency of the Commonwealth for such special expenses as may be incurred in the provision of any services or the use of any facilities required by the authority.

Section 7. KRS 154.035 is amended to read as follows:

(1) In order to expedite the routine business of the authority the chairman may appoint a three (3) member executive committee which may include the chairman. Such a committee if appointed, shall have the authority to approve or authorize the approval of substitution of collaterals, releases in the case of sales,

deferment of principal payments for a period of not longer than six (6) months, [immediate course of action to be followed in the case of a delinquent loan,] subordination of a prior lien of the authority for an improvement to premises in which the lien exists not to exceed the cost of the improvement, and such other authority to *determine an immediate course of action and to* authorize or approve minor changes in loan conditions [which do not substantially alter the conditions of the loan as approved by the authority and] which are not inconsistent with the policies [as] established by the authority.

(2) The chairman may also, in order to expedite the review and processing of loan applications for industrial, agricultural and tourism projects, appoint three (3) member loan advisory committees in the areas of industrial development, agriculture, and tourism. Such committees, if appointed, shall review and evaluate all loan applications relevant to their respective mortgage insurance fund and make recommendations to the authority.

Section 8. KRS 154.040 is amended to read as follows:

The authority may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this chapter, including the following powers, in addition to others herein granted:

(1) To cooperate with local development agencies in their efforts to promote the expansion of industrial and manufacturing activity;

(2) To conduct hearings and other methods of examination and to authorize any of its members to do so on any matter material for its information and necessary to the determination of the feasibility of industrial building and industrial subdivision, *agricultural and tourist* projects;

(3) *To* accept gifts or grants from any source, and to enter into contracts or other transactions with any federal agency;

(4) To make contracts of every nature and to execute all instruments necessary or convenient for the carrying on of its business;

(5) To take title by foreclosure to any industrial building project, *agricultural project or tourist project* where such acquisition is necessary to protect any loan previously made therefor by the authority and to sell, transfer and convey any such industrial building, *agricultural or tourist* project to any responsible buyer. In the event such sale, transfer and conveyance cannot be effected with reasonable promptness, the authority may in order to minimize financial losses and sustain employment, lease such industrial building, *agricutlural or tourist* project to a responsible tenant or tenants;

(6) To take title by foreclosure to any industrial subdivision project where acquisition is necessary to protect any loan previously made therefor by the authority and to sell, transfer, and convey any such industrial subdivision project to any responsible buyer, including the Commonwealth of Kentucky;

(7) To adopt, use and alter at will a corporate seal;

(8) To appoint officers, agents and employes and to prescribe their duties and to fix their compensation, within the limitations provided by law; [and]

(9) To promulgate reasonable regulations for the administration of this chapter*;* [.]

(10) To assist any person or corporation in making application to the government for financial assistance under any program which assistance may include the expenditure of available funds to obtain the advice of experts in the preparation of applications and of business, industry, agricultural and tourist studies when such experts are not available among authority employes;

(11) To cause to be established, as in this Act provided, a non-profit mortgage insurance corporation to insure agricultural, tourist and business and industrial loans, and to pay to said corporation, from one or more of the mortgage insurance funds as herein established, assistance fees for the purpose of assisting a person or corporation to secure insurance of loans made to them in the establishment of an industrial building, agricultural or tourist project;

(12) To contract with the insurance corporation to purchase for a period of time and for a specified amount, which may be paid in advance from the appropriate mortgage insurance fund to said corporation as a lump sum payment for future interim guarantees and permanent guarantees in each area of responsibility, insurance of mortgage loans made to assist any industrial buiding, agricultural or tourist project pending approval of applications made to the government, which purchased insurance may include the insurance of up to ninety-five (95) percent of a loan by a private or other governmental lender, whether or not the application to the government shall include the amount in excess of eighty (80) percent;

(13) To issue revenue bonds under the provisions of KRS 103.200 to 103.285, inclusive, (a) to finance the acquisition or construction of any facility defined as an industrial building in KRS 103.200 in the same manner as a city or a county, provided, however, that no such industrial building shall be financed by the authority unless it is physically located within the bounds of a riverport, or in any other organized industrial park as defined by the authority on the basis of statutory provisions, or (b) to finance pollution control projects for companies when payments by the company have been guaranteed by the small business administration; and

(14) To contract with other state agencies as provided in KRS 154.170.

Section 9. KRS 154.050 is amended to read as follows:

The authority shall make such examinations as are necessary to determine the financial soundness and feasibility of an industrial building, *agricultural, tourist* or industrial subdivision project. Such determination shall be a prerequisite to granting of any loan to *or in connection with* a local development agency *or to any person or corporation for an agricultural or tourist project.*

Section 10. KRS 154.060 is amended to read as follows:

The authority shall promulgate regulations governing its proceedings and its determinations of eligibility for loans *or interim or permanent guarantees.* Such regulations shall be based on transportation facilities, available utilities, existing industrial land, zoning, real estate prices, labor supply, unused natural resources, capital available for investment, and other relevant considerations. Regulations governing applications shall obtain full disclosure of financing plans and evidence that establishment of a new industrial subdivision will not be competitive with an existing, improved subdivision or that establishment of a new industrial building, *agricultural or tourist* project will not cause an existing facility to relocate. Regulations governing the granting of loans *or interim or permanent guarantees* shall be based on the expressed purposes of this chapter and shall be such as to reasonably protect *each* [the] loan *or interim or permanent guarantee* by the authority.

SECTION 11. A NEW SECTION OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

When it has been determined by the authority in the area of responsibility for agriculture or for tourism, as the case may be, upon the basis of a request from a local development corporation, that the establishment of a particular agricultural project or a particular tourist project has accomplished or will accomplish the public purposes of this chapter, the authority may enter into such contract or agreement as may be necessary, with the borrower or with the insurance corporation, to lend or to guarantee the lending of the amount to be borrowed.

Section 12. KRS 154.130 is amended to read as follows:

Every loan of the authority shall be for such period of time and shall bear interest at such rate as shall be determined by the authority and shall be secured by promissory note of the local development agency, *in the case of an industrial building project, or the persons or corporation to whom the loan is made, in the case of an agricultural or tourist project,* and by *an appropriate* mortgage on the industrial building, [or] industrial subdivision, *agricultural or tourist* project for which such loan was made. *Each interim or permanent guarantee shall be made pursuant to the terms of the contract between the authority and the insurance corporation, which contract shall contain provisions requiring appropriate protection of the insurance corporation by mortgage, lien, subrogation or otherwise.*

Section 13. KRS 154.170 is amended to read as follows:

(1) The authority may negotiate with other agencies of the state government to obtain the use of moneys which such agencies are authorized to invest in government obligations. Funds so negotiated shall be transferred on an inter-account basis to the industrial development fund *or one or more of the mortgage insurance funds* and shall be deemed to be investments in obligations of the authority and not of local development agencies. The authority may also negotiate with the state property and buildings commission for the issuance and sale of revenue or other authorized bonds in accordance with the methods prescribed in KRS 56.520 for the purposes of this chapter.

(2) Nothing in this chapter shall be construed to give the authority power to pledge the credit or taxing power of the Commonwealth or any of its political subdivisions [, nor shall any of the authority's obligations be deemed to be obligations of the Commonwealth or any of its political subdivisions].

SECTION 14. A NEW SECTION OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

(1) There are hereby established in the treasury of the Commonwealth special revolving trust and agency funds for each area of responsibility for which it was established, and to which shall be credited all funds appropriated by the general assembly to the authority for the purposes of this Act, together with all funds obtained by the authority from other sources which, by contract or otherwise, are payable into such funds. If at any time the authority shall determine the monies in any mortgage insurance fund exceed the amount needed by the authority to carry out the purposes of this chapter, the authority shall take such action as shall be required to release such excess funds and transfer such excess funds to the general fund of the state treasury.

(2) Each mortgage insurance fund shall be used solely and only to pay the costs of procuring, through the insurance corporation, insurance of private or governmental loans to accomplish the purposes of the authority as stated in KRS 154.005. Such costs shall be paid from said fund by the authority solely under

terms of its contract with the insurance corporation, and may include the costs of obtaining interim and permanent guarantees which are authorized by this Act, whether or not the loan application finally results in a loan or guarantee by the government.

SECTION 15. A NEW SECTION OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

The authority may cause to be established, by any number of natural persons not in excess of fifteen (15), a Kentucky non-profit corporation which shall have as its purpose the insurance of mortgage loans entered into by and between lenders and persons or corporations located in Kentucky and offering gainful employment to the inhabitants of the Commonwealth. The mortgage insurance corporation shall not be deemed to have been established for the purposes of this Act unless and until its articles of incorporation shall have been approved by the authority, and if so approved, no approval by the department of insurance shall be required. Such articles of incorporation, in order to secure such approval, shall contain, inter alia, the following provisions:

(1) The corporation shall be designated "Kentucky mortgage insurance and guarantee corporation;"

(2) No member of the board of directors of the insurance corporation shall receive any emoluments for his services thereon, except that he may be reimbursed for expenditures incurred by him in the performance of duties for the insurance corporation;

(3) All assistance fees received by the insurance corporation shall be held in a trust account in one or more banks and trust companies having a principal place of business in the Commonwealth;

(4) The trust account shall be held for the security of the holders of mortgage loans guaranteed by the insurance corporation, except that provision may be made for the payment of expenses of the insurance corporation from the trust account or a segregated portion thereof;

(5) The trust account shall be governed by a trust agreement entered into by and between the insurance corporation and the trustee or trustees. Said trust agreement shall contain such lawful provisions and limitations as may be deemed appropriate, and may include a pledge of premiums and other monies deposited in the fund to the payment of the obligations insured by the insurance corporation; and

(6) The trust agreement shall make appropriate provisions for the investment by the trustee or trustees of funds in the trust account for the benefit of the insurance corporation and of any claimants against the trust account. The monies so pledged and thereafter received by the trust account shall be subject to the lien of such pledge without any further act, and the lien of such pledge shall be valid and binding against all parties in accordance with the terms of the trust agreement.

SECTION 16. A NEW SECTION OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

The insurance corporation shall be empowered by its articles:

(1) To contract with the authority to insure loans, or their debt service, made by any lender to finance the acquisition, construction or alteration of facilities of the same type which are eligible for direct loans from the authority, but, in the case of industrial building projects, only if such loans have been made (a) pending the successful processing of an application to the government for a loan, a loan guarantee or other assistance, which application the authority has recommended to the insurance corporation as an application which should, in its opinion, be approved by the government, or (b) on a coparticipation basis with the business development corporation as provided in KRS 154.125, or (c) on a basis limited as to participation to the percentage permitted for direct loans under KRS 154.080;

(2) To enter into agreements for such insurance;

(3) To fix a rate or rates of premiums to be paid for such insurance by the person or corporation assisted, which premiums shall be fixed to take into account the fact that the authority has paid an assistance fee to the insurance corporation as an assistance to the person or corporation whose loan is being insured; and

(4) To exercise such other powers as are necessary or incidental to the foregoing.

SECTION 17. A NEW SECTION OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

The insurance provided by the insurance corporation shall be payable solely from the trust account established by the insurance corporation under the terms of this Act, and shall not constitute a debt or pledge of the faith and credit of the Commonwealth or any of its agencies, or of the authority.

SECTION 18. A NEW SECTION OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

The authority shall not recommend to the insurance corporation, and the insurance corporation shall not approve the insurance of any loan under its contract with the authority, if the insurance of such loan will result in a total commitment by the insurance corporation in excess of ten (10) times the amount in the trust account. No insurance commitment shall be made by the insurance corporation unless the authority has made the following findings:

(1) That the loan is to be secured by a first mortgage of real or personal property or both satisfactory to the authority;

(2) That the mortgagor and mortgagee are responsible parties;

(3) That the occupant of the project or projects is a responsible occupant;

(4) That the provisions of the mortgage loan are reasonable and proper, and in making such determination the authority may take into account such factors as it deems relevant including, without limitation, the provisions for maintaining, insuring and repairing the project by the mortgagee and the remedies of the authority or the insurance corporation upon default of the mortgagee;

(5) That the project will provide employment having a reasonable relationship to the principal amount of the loan to be insured therefor, taking into account, among other things, the investment per employe of comparable facilities;

(6) That adequate provision is being or will be made to meet any increased demand upon community public facilities that might result from the project;

(7) That the size and scope of the project is such that a definite benefit to the economy of the Commonwealth may reasonably be expected to result from the construction or improvement thereof; and the employment created shall be substantially primary employment;

(8) That the principal amount of the loan does not exceed ninety-five (95) percent of the cost of the land, buildings, and improvements and eighty (80) percent of the cost of the machinery and equipment;

(9) That the duration of the loan shall not exceed thirty (30) years on land, buildings and improvements exclusive of machinery and equipment, and fifteen (15) years on machinery and equipment; and that the authorization provisions are satisfactory to the authority;

(10) That the insurance agreement provides for subrogation upon payment of insured debt service from the trust account;

(11) That the public interest is adequately protected by the terms of the loan and of the insurance agreement;

(12) That the insurance of the loan will not cause the insured debt service coming due in any one (1) calendar year on account of an insured loan for any one (1) mortgagor to exceed twenty (20) percent of the amount in the trust account when the finding is made; and

(13) That the insurance of the loan will not cause the insured debt service coming due in any one (1) calendar year on account of permanent guarantees to exceed one hundred (100) percent of the amount in the mortgage insurance trust when the finding is made.

The authority shall consult with the appropriate local and regional planning agencies to ascertain the relationship of a proposed project to any existing local or regional comprehensive plan; that, so far as feasible, the project is to be located in an area of generally high unemployment; and that employment opportunities will become available to the residents of such area.

SECTION 19. A NEW SECTION OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

Any contract between the authority and the insurance corporation shall contain provisions for the recapture by the authority of any profits made by the insurance corporation; but such recapture may be delayed indefinitely if the continued use of funds so derived by the insurance corporation shall be deemed by the authority to promote the purposes of the authority.

SECTION 20. A NEW SECTION OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

Appropriations made by the 1978 session of the general assembly to the industrial development finance authority, and existing funds of that agency, shall be transferred to or held for the Kentucky development finance authority established by this Act, which Kentucky development finance authority is and shall be deemed to be the successor to the industrial development finance authority and to all the contractual rights and obligations thereof.

Section 21. In enacting this Act it is the intention of the general assembly to enact each section and subsection as a specific law, and if any section, subsection or provision hereof shall be held invalid or unconstitutional the decision of the court shall not affect or impair any of the remaining sections, subsections or provisions contained herein.

Section 22. This Act shall be effective on July 1, 1978.

SB 337, AN ACT relating to health care professional liability at the University of Louisville.

WHEREAS, there currently exists a crisis in the health sciences center of the University of Louisville in the area of the cost and availability of health care malpractice liability insurance; and

WHEREAS, this crisis has made it extremely difficult for said health sciences center to attract and retain qualified professional personnel to provide quality health care and to teach, train and educate students enrolled in its educational institution in the skills of rendering medical care; and

WHEREAS, by reason of the foregoing the ability of the aforesaid health sciences center to perform its public functions and to render the public service for which it was created in serious jeopardy; and

WHEREAS, the University of Louisville University Hospital is scheduled for completion in 1980 and an interim arrangement exists between the university and the Louisville and Jefferson County Board of Health to provide teaching hospital facilities at Louisville General Hospital including Louisville Memorial Hospital and affiliated clinics; and

WHEREAS, the General Assembly recognizes that the quality of education offered by the health sciences center of said university and the quality of the health care rendered to patients by said health sciences center and hospital staff members of the teaching hospital and its affiliated clinics of the University of Louisville are all matters that affect the health of the people of the state of Kentucky, and that the authorization of the creation of the basic coverage compensation fund by said university for its benefit with funds derived by it from sources other than general tax revenues of the state, and the creation of an excess coverage fund and the funding of the same by an appropriation by the General Assembly out of general surplus tax revenues to pay judgments hereunder upon exhaustion of the basic coverage compensation fund is for public purpose and within the province of the Commonwealth; and

WHEREAS, unless legislative action is taken to alleviate this crisis, the quality of education offered and furnished by the aforesaid health sciences center and the quality of health care furnished at the hospital that is staffed by the faculty of the health sciences center of the University of Louisville will be substantially reduced, all of which will have a materially adverse effect on the public health of the people of this state;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 164.891 is amended to read as follows:

(1) "Basic coverage compensation fund" means the fund which may be established by the University of Louisville for the purpose of paying claims or judgments for personal injury or death to patients resulting from any tort or breach of duty based on health care services rendered or which should have been rendered by the university or its agents. This fund shall also include all *contributions,* annual contributions made to the fund by the university together with *such income as may be received from time to time from the investment of the funds in said fund by the secretary* [any loans that may be made to it out of the state treasury from time to time].

(2) "*Secretary* [Commissioner]" means the *secretary* [commissioner] of the executive department for finance and administration.

(3) "Agents" means members of the board of trustees of the university, *the board of directors of its hospital,* its faculty, hospital staff nurses, nurses aides, volunteer workers, employes and students, including residents and interns, and all other persons involved in furnishing health care within the scope of their duties or courses of study in connection with the University of Louiville. Employed physicians and dentists are agents of the university and within the scope of their duties when rendering professional services in emergencies and other special circumstances so long as such services do not constitute private practice *outside the university hospital upon patients not involved in teaching or research and* for which the physician or dentist derives income. [Physicians employed by the university and at the same time engaged in the private practice of medicine shall maintain at their own expense the security required by KRS 304.40-330 for the purpose of insuring themselves against any claim arising out of their private practice.]

(4) "University" means the University of Louisville.

(5) "Excess Coverage Fund" means the funds that may be made available through appropriations made by the general assembly to pay judgments hereunder upon exhaustion of the basic coverage compensation fund.

Section 2. KRS 164.892 is amended to read as follows:

(1) The board of trustees of the university may, at its election, establish a basic coverage compensation fund for the benefit and protection from liability of itself and its agents. Promptly after the board of trustees of said university has elected to establish a basic coverage compensation fund, the university shall pay to the state treasurer *the sum of three hundred fifty thousand dollars ($350,000) in the manner and within the time specified in subsection (3) of this section* [sums totalling three hundred fifty thousand dollars ($350,000)].

(2) Upon receipt of the initial payment of eighty-seven thousand five hundred dollars ($87,500), the state treasurer shall create a separate account to be designated as the "basic coverage compensation fund, University of Louisville" and there shall be credited to said fund the initial payment of eighty-seven thousand five hundred dollars ($87,500), all income thereafter earned from the investment of said fund *and* [,] all contributions thereafter made by the university *to said fund* [and all sums loaned to said fund from the state treasury pursuant to the provisions of KRS 164.890 to 164.895]. Unexpended and unencumbered balances in

any fund created hereunder shall be carried forward and be available for expenditure in succeeding fiscal years notwithstanding the provisions of KRS 45.230 or any other provision of the Kentucky Revised Statutes. No portion of said fund shall ever lapse to the general fund and income earned from the investment of funds standing to the credit of said account shall accrue and be credited thereto, notwithstanding the provisions of KRS 41.380 or any other provision of the Kentucky Revised Statutes. *Upon termination of said fund for any reason, the balance therein shall revert to the university.*

(3) The *university* [University of Louisville] shall make *an* [the] initial payment of eighty-seven thousand five hundred dollars ($87,500) upon action by its board of trustees as described in KRS 164.895. Annual payments of eighty-seven thousand five hundred dollars ($87,500) shall be made thereafter until the *university has paid a total of three hundred fifty thousand dollars ($350,000) into the "basic coverage compensation fund, University of Louisville"* [total "basic coverage compensation fund, University of Louisville" equals the sum of three hundred fifty thousand dollars ($350,000)], except that when the *universtiy commences the operation of a teaching hospital* [University of Louisville opens its teaching hospital], the difference between the total of all annual payments made into the basic coverage compensation fund and the sum of three hundred fifty thousand dollars ($350,000) shall become due and payable [if the University of Louisville is to have the full benefits of KRS 164.890 to 164.895].

(4) The funds held in any fund created under KRS 164.890 to 164.895 shall be expended solely in payment of claims *and judgments* for liability arising in favor of any patient from treatment performed or furnished, or treatment that should have been performed or furnished by the university or its agents. The liabilities which said fund shall be created to discharge are all liabilities from acts or omissions to act which may have occurred since July 1, 1976 and which may occur in the future and which no entity other than the university and its agents is or will be obligated either by law or contract to pay and discharge.

(5) No settlement shall be made of any claim for personal injury or death to any claimant arising out of the furnishing or failure to furnish medical care by the university and its agents, until and unless the board of trustees of the university, or its duly delegated agent or body has first approved of such settlement. The board of trustees of the university shall also have the right to determine whether or not an appeal shall be taken from any judgment rendered against it or its agents, when such claim is founded upon or arises out of the furnishing or failure to furnish medical care. Provided, however, that if the payment of a *judgment would involve expenditures from appropriations of general funds of the Commonwealth then such payment must also be approved by the secretary, or his delegate* [settlement or a judgment would involve a loan from the Commonwealth under the provisions of subsection (8) of this section or if at the time of any such proposed payment of any settlement or judgment there is in existence an outstanding loan from the Commonwealth, then any payment from said fund must also be approved by the commissioner, or his delegate].

(6) Funds held in *any* [an account] created hereunder may be disbursed by the *secretary* [commissioner] only upon the written certification of the university, or its duly designated agent, of the amount to be disbursed and the name of the person or persons to whom such funds shall be paid.

(7) *In addition to the payments to said fund required to be made in subsection (3) above,* annual contributions to said fund shall be made by the university in an amount which will be not less than one hundred fifty percent (150%) of the average amounts actually paid in each year on medical malpractice claims for the five (5) years next preceding the making of the annual contribution. Provided, however, that if the university and the *secretary* [commissioner] shall at any time in the future mutually determine, *based on sound actuarial principles,* that an annual contribution in a lesser amount will not impair the adequacy of the fund to satisfy existing and potential health care malpractice claims for a period of one (1) year, then an annual contribution in such lesser amount as may be determined may be made.

(8) The university shall be solely responsible for the investigation and servicing of all claims made against it arising out of medical malpractice and all costs, expenses, and fees incurred in the investigation, servicing and defense of all such claims shall be borne and paid by the university.

(9) Claims *and judgments* certified to be paid by the university shall be paid in the order received by the *secretary* [commissioner]. If *the basic coverage compensation fund* [any fund] created *by contribution from the university* [hereunder] shall [not] at any time *fail to* have sufficient funds to pay all such *judgments* [claims], *then they shall be paid out of the excess coverage fund upon certification by the secretary* [claims received after the funds are exhausted shall be paid out of the general fund of the Commonwealth upon certification of the obligation by the commissioner]. *Said excess coverage fund shall be expended only upon exhaustion of the basic coverage compensation fund and any liability insurance from any source whatsoever.* [Any such funds drawn from the general fund shall be repaid with interest at the legal rate by the university at the earliest practicable time as determined by the commissioner.]

Section 3. KRS 164.893 is amended to read as follows:

Any fund created hereunder may be terminated upon written application made to the *secretary* [commissioner] by the university and a finding by the *secretary* [commissioner] that other satisfactory and adequate arrangements have been made by the university to assure that both existing and future health care malpractice claims or judgments against it will be paid and satisfied. Upon the termination of any fund pursuant to this section, the full amount remaining in said fund upon termination less any outstanding indebtednesses shall promptly be repaid to the university.

SB 340, AN ACT relating to the area development fund and capital construction projects within area development districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

As used in KRS 42.350 to 42.370 the words:

(1) "Beneficiary agency" means an agency eligible to receive the benefit of a capital project to be wholly or partly financed out of the area development fund, including and limited to political subdivisions, special districts and agencies created pursuant to the interlocal cooperation act, or any combination thereof; and, not-for-profit corporations organized for public purposes and performing governmental functions and services;

(2) "Fund" means the area development fund established in the state treasury by KRS 42.350.

Section 2. KRS 42.350 is amended to read as follows:

(1) *The* [There is hereby created an] area development fund [, hereinafter referred to as the "fund",] in the state treasury *shall* [to] be administered by the executive department for finance and administration. The fund may receive state appropriations, gifts, grants and federal funds *and shall be disbursed by the state treasurer upon the warrant of the secretary of the executive department for finance and administration. Any unallotted or unencumbered balances in the fund shall be invested in United States government securities maturing not later than one (1) year from the date of investment and the income from such investments shall be prorated for expenditure for capital projects in area development districts according to the formula provided in Section 5 of this Act.*

(2) Money in the fund shall be used only for capital projects *which contribute to community or industrial development in the Commonwealth, KRS 45.050 notwithstanding* [consisting of general construction, renovation, maintenance, improvements, property acquisition, major items of equipment, and the costs relating to architectural design, construction and supervision of such capital projects, including, but not limited to, reclamation and industrial development projects and loans and grants in aid for capital purposes, KRS 45.040 notwithstanding, excluding, however, consumable and other usable supplies, and shall in no event be used directly or indirectly for the payment or reimbursement of any administrative, salary or other operating expense of any area development district, and appropriations having been made in other acts of the general assembly for road and school purposes in these districts, the fund shall not be used directly or indirectly for the acquisition, construction, reconstruction, renovation or maintenance of any school or school property or any road, street, highway or bridge]. *Capital projects eligible for financing out of the fund include and shall be limited to:*

(a) The construction, reconstruction, renovation and maintenance of buildings and other improvements to real estate;

(b) The acquisition of real property and interests in real property;

(c) The purchase of major items of equipment;

(d) Industrial site development projects, including land reclamation, clearing, grading, draining, landscaping, and the construction of walkways and fences;

(e) The extension and installation of water, gas, sewer, and electrical utilities lines to public facilities and industrial sites;

(f) The provision of solid waste management or disposal systems bringing counties into compliance with state or federal law. All expenses incurred in connection with or incidental to the construction or acquisition of a capital project under this section, including architectural, engineering, legal, and other expenses required for such projects may be paid out of the fund. Money in the fund may be used to retire a mortgage or other indebtedness encumbering an eligible capital project made on and after January 1, 1977 to secure the repayment of monies loaned or advanced to finance the construction or acquisition of such project, and may be used in match or in combination with funds obtained from other sources for an eligible capital project. No money shall be expended out of the fund, directly or indirectly, to pay or reimburse the cost of any feasibility study, master plan for any capital improvement development or redevelopment project, the purchase of consumable supplies; or any administrative, salary, or other operating or capital expense of any area development district, or for the acquisition, construction, reconstruction, renovation or maintenance of any building or property of schools, state institutions of higher learning, or any road, street, bridge or highway.

(3) *The board of directors of* each area development district [as described in KRS 147A.050] shall *determine from among the capital project proposals submitted by eligible beneficiary agencies, the capital projects to be proposed to be constructed or acquired out of the fund* [submit proposed capital projects to the executive department for finance and administration for review and consideration. Upon the approval of any project submitted, the department shall prepare or cause to be prepared all plans, specifications and designs, shall advertise for any bids required by law and shall award any contracts incident thereto as provided by KRS Chapters 45 and 56]. *The area development districts shall submit to the secretary of the executive department for finance and administration through the department for local government the capital projects selected for construction or acquisition within the districts. Each project proposal shall include: a detailed description of the project; a statement of the public benefit to be derived from the project; if available, design plans and specifications for the project; an itemized estimate of the cost of the project; a statement of the sources and amounts of funds available from any other source for the construction or acquisition of the project; and such other information relating to the proposed capital project as the department for local government or the executive department for finance and administration may require.*

[(4) Upon the award of any contract to provide capital improvement and the acquisition or contract of purchase of any real property required by such project, a grant in aid of the projected total cost thereof shall be established to the credit of the appropriate political subdivision, agency or special district or combination thereof, including entities created by or parties to interlocal agreements, and title to any such real property and to the capital project shall be held by the Commonwealth until completion and final acceptance as certified by the commissioner of the executive department for finance and administration, at which time title thereto shall vest by conveyance or otherwise in the designated beneficiary of such grant in aid to be used for public purposes. Should the capital project cease at any time to be used for such public purposes, title shall revert to and vest in the Commonwealth of Kentucky. No encumbrance of any kind shall be placed upon the capital project or real property by the public agency and such restriction shall be recited in any deed or other conveyance made between the parties.

(5) Disbursements from the fund shall be made by the state treasurer upon the warrant of the commissioner of the executive department for finance and administration.]

SECTION 3. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) The department for local government shall examine each capital project selected by the area development districts, and when it finds that a proposed project conforms to the requirements of KRS 42.350 to 42.370; that the estimated costs of the project are reasonable; that the costs proposed to be paid from the fund are within the amount available, and that the proposed beneficiary agency will be reasonably able to finance the operation and maintain the capital project during its estimated useful life, the commissioner of the department for local government shall transmit the project proposal to the secretary of the executive department for finance and administration with a recommendation for approval. If the department for local government determines that a capital project proposal does not conform to the requirements of KRS 42.350 to 42.370, that the estimated costs of the project are excessive or unreasonable in light of the public benefit to be derived from the project; or, the unencumbered balance in the fund available for expenditure in the area development district is insufficient to pay the costs of the project, or the part thereof proposed to be paid out of the fund, or the beneficiary agency cannot reasonably finance the operation of or, maintain the capital project during its estimated useful life, the project proposal shall be disapproved by the department for local government.

(2) When the secretary of the executive department for finance and administration has approved a capital project, the executive department for finance and administration shall cause detailed cost estimates, site surveys, appraisals, architectural and engineering designs, and plans and specifications to be prepared, award and enter into contracts, and do all other things necessary and proper for the construction or acquisition of the capital project; provided, however, that the department may, in its discretion, adopt and rely upon detailed cost estimates, site surveys, appraisals, architectural designs and plans and specifications for capital projects prepared for and submitted by the beneficiary agency of the proposed project.

(3) Except when a direct grant for a capital project is made to a beneficiary agency as authorized under subsection (4) of this section, the executive department for finance and administration shall award and administer, or shall delegate to beneficiary agencies, and control, the award and administration of all contracts for the construction or acquisition of all capital projects wholly financed out of the fund, in accordance with the provisions of KRS Chapters 45 and 56. All contracts awarded under this section for the construction, reconstruction or renovation of a building or other improvement to real estate shall be deemed to be contracts for public works within the meaning of KRS Chapters 341, 376 and other applicable laws.

(4) The secretary of the executive department for finance and administration, after consultation with the commissioner of the department for local government, may make direct grants in aid of money out of the fund to any beneficiary agency for the construction or acquisition of any approved capital project, the estimated cost of which does not exceed the greater amount of fifty thousand dollars ($50,000), or one-third (1/3) of the

total estimated cost of the project. When a direct grant in aid has been made to a beneficiary agency, all contracts awarded for the purchase of materials, supplies, equipment or services, except professional and technical services, required for the construction or acquisition of the project shall be awarded to the lowest and best bidder in the discretion of the beneficiary agency after public advertisement as required by KRS Chapter 424 or other applicable law. All beneficiary agencies receiving a direct grant in aid under this subsection shall keep and maintain complete and accurate records of accounts of all expenditures of the grant monies which shall be subject to audit by the Commonwealth for a period of five (5) years after completion of the capital project. Any grant monies not required after all of the costs of the capital project have been paid by the beneficiary agency shall be promptly returned to the Commonwealth for reallocation for expenditure for other capital projects in the area development district to which such funds had been originally allocated.

(5) No capital project shall be constructed under KRS 42.350 to 42.370 except upon land to which (a) the Commonwealth, a political subdivision of the Commonwealth or the beneficiary agency of the capital project has a good and marketable title, free of encumbrances, or (b) the beneficiary agency of the project has the right to the uninterrupted use, occupancy and possession for a period longer than the estimated useful life of the capital project; provided nothing herein shall prohibit the construction or renovation of public buildings on land with an existing encumbrance to secure payment of funds obtained for the acquisition or improvement of said land. Each beneficiary agency shall execute and deliver to the Commonwealth its written assurances, which shall be binding on such agencies' successors and assigns, guaranteeing that during its estimated useful life, the capital project shall be operated and maintained for public purposes and pledging that no mortgage or other encumbrances shall be placed against any capital project wholly financed out of the fund, except industrial development projects, for the breach of which assurances the Commonwealth shall have right of entry to the capital project and the beneficiary agency, or its successors and assigns, shall forthwith convey the title to the capital project to the Commonwealth. Similar assurances shall be executed and delivered to the Commonwealth by the beneficiary agencies of capital projects financed in part out of the fund and in part from other sources, except that when such additional funding is derived from the issuance and sale of revenue bonds or under other statutorily authorized financing methods, to secure the repayment of which funds a statutory mortgage lien is granted in favor of any person or group of persons, the capital project may be encumbered to the extent authorized or required by the law under which such financing method was undertaken; nor shall anything in this section prohibit the encumbrance of any real property located within an industrial park or constituting an industrial site, developed or improved as a capital project under KRS 42.350 and this section, by any person, firm, company, partnership, or corporation to which such property has been conveyed, to obtain financing for the construction upon such property of industrial and commercial buildings. The written assurances provided by beneficiary agencies under this section shall be lodged for recording and recorded in the office of the county clerk of the county in which the proposed project shall be located.

Section 4. KRS 42.360 is amended to read as follows:

The *secretary* [commissioner] of the executive department for finance and administration shall promulgate such rules and regulations governing submission and approval of proposed capital projects, the expenditure of moneys from the fund, *the designation of beneficiary agencies* and the title to capital *projects* [improvements] and real property *involved in capital projects* as shall be appropriate to the implementation of KRS 42.350 *and Section 3 of this Act.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) The maximum amount to be expended out of the area development fund for capital projects within each area development district shall be calculated on the basis of the following formula:

(a) Sixty percent (60%) of the fund is allocated for expenditure within each district in the ratio that the population of the component counties bears to the total population of the state.

(b) Twenty percent (20%) of the fund is allocated for expenditure in each district in inverse proportion to the total manufacturing employment conducted in each such district.

(c) Twenty percent (20%) of the fund is allocated for expenditure in each district in inverse proportion to the relative per capita income prevailing in each such district.

(2) Any balance remaining in the fund at the close of any fiscal year shall not lapse, but shall continue into and be available for expenditure during the next succeeding fiscal year.

SECTION 6. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of any other law notwithstanding, the governor shall include in the biennial budget report and in the draft appropriation act or acts submitted to each regular session of the general assembly pursuant to KRS 45.030 and 45.040, for the biennium period beginning July 1, 1980, and for each biennium thereafter, recommendations for appropriations from the general fund to be made by the general assembly to the area development fund established by KRS Chapter 42.

(2) The amount to be recommended for the appropriation to the area development fund shall be four and four-tenths percent (4.4%) of the severance tax estimate for each fiscal year of the biennium.

The Committee on Judiciary-Courts reported **HB 467,** with Committee Amendment attached thereto, **HCR 80, SB 233, SB 288,** and **SB 293** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 467, AN ACT relating to the court of justice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 24A.170 is amended to read as follows:

(1) The filing fee for a civil case in district court shall be twenty-five dollars ($25), except as provided below:

(a) Where the amount in controversy is five hundred dollars ($500) or less, the fee shall be ten dollars ($10).

(b) Where the case involves the probate of an estate, the fee shall be ten dollars ($10).

(c) Where the case involves a matter relating to guardianship, the fee shall be ten dollars ($10).

(d) Where the matter involves a name change for a natural person, the fee shall be ten dollars ($10).

(e) Where the case involves a paternity determination under KRS Chapter 406, the fee shall be ten dollars ($10).

(2) Additional costs shall be assessed in district court civil cases as follows:

(a) Filing a third-party complaint	$10.00
(b) Preparing an attestation	.50
(c) Preparing a certification	1.00
(d) Providing a copy of a document (per page)	.25
(e) Issuing orders of attachment; garnishment; writ or possession after judgment	10.00
(f) For a jury of six (6) persons (to be assessed as cost)	12.50
(g) Service of process (per process)	3.00
(h) Mileage for service of process (per mile)	.14

(3) *Notwithstanding the provisions of subsections (1) and (2) above, where the amount in controversy is one hundred dollars ($100) or less, the filing fee for a civil case in district court shall be three dollars ($3) and any additional costs in such a case shall be assessed as follows:*

(a) Filing a third party complaint	*$ 3.00*
(b) Preparing an attestation	*.50*
(c) Preparing a certification	*1.00*
(d) Providing a copy of a document (per page)	*.25*
(e) Issuing orders of attachment; garnishment; writ or possession after judgment	*3.00*
(f) For a jury of six (6) persons (to be assessed as costs)	*12.50*
(g) Service of process (per process)	*3.00*
(h) Mileage for service of process (per mile)	*.14*

(4) The cost incurred by the clerk in publishing a notice shall be paid by the party requesting the notice.
(5) [(4)] The court, in its discretion, may provide for the payment of additional costs in cases requiring extraordinary services.

The Committee Amendment to **HB 467** is as follows:

Amend printed copy of **HB 467,** page 1, line 6, after the word "is" by adding the following: "*more than $100 but less than*:

and on page 1, line 7, by placing a bracket " [" before the word "or" and a bracket "]" after the word "less"

and on page 1, between the lines 8 and 9, by adding the following:

"*(b) Where the amount in controversy is $100 or less the fee shall be $3.00*"

and on page 1, line 9, by adding "*(c)* at the beginning of the sentence and by placing " [ ]" around "(b)"

and on page 1, line 11, by adding "(d)" at the beginning of the sentence and by placing " [ ]" around "(c)"

and on page 1, line 13, by adding "*(e)* at the beginning of the sentence and by placing " [ ]" around "(d)"

and on page 1, line 15, by adding "*(f)*" at the beginning of the sentence and by placing " [ ]" around "(e)"

and on page 2, line 10, following "(3)" by deleting "*Notwithstanding the provisions of subsections*"

and on page 2, lines 11 through 26, by deleting said lines their entirety

and on page 3, line 1, by deleting said line in its entirety

and on page 3, line 2, by deleting "*(4)*"

and on page 3, line 4, by deleting "*(5)*" and the brackets " [ ]" surrounding "(4)"

HCR 80, A CONCURRENT RESOLUTION requesting the Kentucky Supreme Court to exercise the authority vested in it by Section 111(2) of the Constitution of Kentucky and authorize by rule that decisions of the Workmen's Compensation Board that are appealed be reviewed directly by the Court of Appeals.

WHEREAS, the review of workmen's compensation cases requires a constant, time consuming knowledge of the intricacies of workmen's compensation law; and

WHEREAS, such procedure would relieve all the circuit courts of the tremendous burden of reviewing workmen's compensation cases, allowing such courts more time to devote to all other work; and

WHEREAS, the intent of the judicial amendment to the Constitution of Kentucky is to provide for the citizens of the Commonwealth of Kentucky a speedier and more unified system of justice; and

WHEREAS, direct review of appealed Workmen's Compensation Board decisions by the Court of Appeals would appear to greatly aid in the accomplishment of that speed and unity of justice; and

WHEREAS, Section 111(2) specifically authorizes that the Kentucky Supreme Court may, by rule, authorize the Court of Appeals to review directly decisions of administrative agencies of the Commonwealth; and

WHEREAS, the Workmen's Compensation Board is such an administrative agency, and the law it administers is unique;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Kentucky Supreme Court be respectfully requested to exercise the discretion granted by the Constitution of the Commonwealth of Kentucky in Section 111, subsection (2) and authorize by rule decisions of the Workmen's Compensation Board that are appealed be reviewed directly by the Court of Appeals.

SB 233, AN ACT relating to district judges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 24A.050 is amended to read as follows:

The following judicial districts are entitled to two (2) district judges and shall have two (2) numbered divisions of the district court:

(1) First Judicial District.
(2) Second Judicial District.
(3) Third Judicial District.
(4) Eighth Judicial District.
(5) Ninth Judicial District.
(6) Eleventh Judicial District.
(7) Twelfth Judicial District.
(8) Thirteenth Judicial District.
(9) Fourteenth Judicial District.
(10) Eighteenth Judicial District.
(11) Twenty-first Judicial District.
(12) *Twenty-seventh Judicial District.*
(13) Twenty-eighth Judicial District.
(14) [(13)] Twenty-ninth Judicial District.
(15) [(14)] Thirty-second Judicial District.
(16) [(15)] Thirty-fifth Judicial District.
(17) [(16)] Thirty-eighth Judicial District.
(18) [(17)] Forty-sixth Judicial District.
(19) [(18)] Fifty-first Judicial District.
(20) [(19)] Fifty-third Judicial District.
(21) [(20)] Fifty-fourth Judicial District.
(22) [(21)] Fifty-sixth Judicial District.

SB 288, AN ACT relating to proceedings for incompetency, commitment, care of children and hospitalization of the mentally ill or retarded.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 202A.070 is amended to read as follows:

(1) Proceedings for involuntary hospitalization of an individual for sixty (60) consecutive days may be initiated by filing a petition as described in this chapter in the appropriate circuit court.

(2) Upon receipt of the petition the court shall give notice to the respondent, to his legal guardian, if any, and to his spouse, parent, or nearest known relative or friend concerning the allegations and contents of the petition and proposed hearing *except that when no circuit judge is available in the county, the district judge may do all things necessary to accomplish the purposes of KRS Chapters 202A, 202B, 203 and 210.*

(3) As soon as practicable, after notice of the commencement of the proceedings is given to the respondent, the court shall appoint two (2) physicians to examine the respondent and certify to the court their findings as to whether the respondent is a mentally ill person who presents an immediate danger or an immediate threat of danger to self or others as a result of mental illness and who can reasonably benefit from treatment. Each physician shall also certify as to whether in his opinion hospitalization is the least restrictive alternative mode of treatment presently available. The examination shall be held at a hospital or other medical facility or any other suitable place not likely to have a harmful effect on the patient's health.

(4) The court may, after reviewing the allegations contained in the petition, issue a warrant for the arrest of the person named in the petition. Such person if arrested on such warrant shall be conveyed immediately to any hospital, medical facility or institution approved by the secretary and shall be there examined by two (2) physicians. The physicians shall certify to the court their findings as to whether the respondent is a mentally ill person who presents an immediate danger or an immediate threat of danger to self

or others as a result of mental illness and who can reasonably benefit from treatment. Each physician shall also certify as to whether in his opinion hospitalization is the least restrictive alternative mode of treatment presently available.

(5) If after their examination the physicians certify that the respondent is a mentally ill person who presents an immediate danger or an immediate threat of danger to self or others as a result of mental illness and that he can reasonably benefit from treatment and that hospitalization is the least restrictive alternative mode of treatment presently available, then such person may be retained in the hospital pending a hearing and order of the appropriate court, or may be transported to an appropriate hospital for retention. In no case shall the patient be retained in a hospital longer than twenty-one (21) days from the date of the examination without a hearing and order of the appropriate court.

(6) If the criteria for involuntary hospitalization as set forth in subsections (3) and (4) of this section are not certified, the court may, without taking any further action, terminate the proceedings and dismiss the application. Otherwise, the court shall forthwith fix a date and notice of a hearing and render an order within twenty-one (21) days from the date of the examination of the respondent.

(7) The respondent shall be represented at such hearing by an attorney either retained by the respondent or provided by the Commonwealth. The respondent shall be afforded an opportunity to testify, to present, and cross-examine witnesses against him. The court may in its discretion receive the testimony of any other person. The hearing may be conducted in an informal manner, consistent with orderly procedures, and in a physical setting not likely to have a harmful effect on the mental health of the respondent. The hearing may be held by the court in chambers, at a hospital, or other suitable place.

(8) Respondent's presence at the hearing may be waived by the respondent or respondent may be excused from the hearing upon a finding that respondent's presence would seriously disrupt the proceedings or that the respondent's presence at the hearing would be harmful to respondent.

(9) If upon completion of the hearing the court finds that the respondent is (a) a mentally ill person, (b) because of this illness presents an immediate danger or an immediate threat of danger to self or others, (c) that the least restrictive alternative mode of treatment requires hospitalization, and (d) that treatment which can reasonably benefit the respondent is available in the hospital, then the court shall order the individual hospitalized in a hospital selected by the department for a period not to exceed sixty (60) consecutive days.

(10) The hospitalization under this section shall be for a period of time not to exceed sixty (60) consecutive days from the date of the court order. Release shall be by writ of habeas corpus pursuant to the provisions of this section except that a staff physician may release the patient subject to the provisions of this chapter.

(11) When a formal application has been made for a further involuntary hospitalization under the provisions of this chapter, the patient shall not be retained in the hospital longer than ten (10) days from the date of application without a hearing and order of the appropriate court pursuant to the applicable provisions of this chapter, unless the patient agrees to remain voluntarily.

(12) Whereas an emergency now exists, this bill shall become effective upon the signature of the Governor.

SB 293, AN ACT relating to court facilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 26A IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context otherwise requires:

(1) "Operating costs allowance" means compensation equivalent to the annual expenses borne by the unit of government for utilities, janitorial service, rent, insurance and necessary maintenance, repair and upkeep of the court facility which do not increase the permanent value or expected life of the court facility, but keeps it in efficient operating condition.

(2) "Use allowance" means compensation equal to four percentum (4%) annually of the total original capital costs and the cost of capitalized renovation of the court facility.

(3) "Capital costs" means the costs borne by the unit of government, excluding grants, for acquisition of property and for construction and capitalized renovation including interest accruing during construction or renovation, but no other interest of each court facility. If capital costs are not documented, reasonable estimates provided by qualified appraisers will suffice.

(4) "Capitalized renovation" means all remodeling involving the structural or mechanical systems, except for remodeling that involves substantial demolition of the original structure. Remodeling involving substantial demolition of the original structure shall constitute construction resulting in a new court facility.

(5) "Unit of government" means a county, city, urban-county government, special district or corporate entity created for the purpose of constructing or holding title to a court facility.

(6) "Court facility" means the land and buildings owned or operated by a unit of government in which space for the court of justice is provided. Judges' benches, jury and witness boxes, and fixed seating shall be considered as permanent building fixtures.

(7) "Court facilities standards committee" means a committee consisting of the chief justice or his designee, one judge each of the court of appeals, the circuit court and the district court appointed by the supreme court, the president of the circuit clerks' association, the chairman of the judiciary-courts committees of the general assembly, the secretary of the executive department for finance and administration, and a county judge/executive appointed by the governor. Each appointed member shall serve for a term of four years from the date of his appointment or until he vacates the office in respect to which he was appointed, whichever is earlier.

Section 2. KRS 26A.100 is amended to read as follows:

(1) The circuit and the district court shall be held in the county courthouse of each county unless otherwise ordered by the supreme court in which case it may be held at any other location made available by the county and owned, leased, or controlled by the county. Circuit or district court may also be held in such other locations in the county as may be convenient and approved by the supreme court.

(2) Every county or urban-county government shall provide such reasonably available space which would not disrupt the operation of county government as necessary in the county courthouse, or in other county facilities as permitted in subsection (1), for:

(a) A courtroom or courtrooms for the circuit and the district court;

(b) Chambers for the circuit judge and district judge or judges;

(c) Office space for the circuit and district court staffs;

(d) *Office and storage space* [Facilities] for the circuit clerk's operations;

(e) Jury facilities for the circuit and the district court; [and]

(f) *Office space for other officers of the court of justice including pretrial release officers, court reporters, court administrators, judges' secretaries, friends of the court and commissioners; and*

(g) Such other facilities necessary for the operation of the circuit and the district court as may be agreed upon by the county or urban-county government and the administrative office of the courts.

(3) *If all necessary facilities for the holding of circuit or district court, for the clerk's operations, or for the operation of the court or its ancillary functions, are not available in county facilities,* every city shall, upon request of the administrative office of the courts, provide such reasonably available space *which would not disrupt the operation of city government* as necessary in the city's facilities for the operations of circuit or district court, or both. The city shall be responsible for providing space for the operations listed in subsection (2) of this section.

(4) *If all necessary facilities for the holding of circuit or district court, for the clerk's operations, or for the operation of the court or its ancillary functions, are not available in county or city facilities,* every agency of state government, special district, and independent agency of local government, other than a city, may, upon the request of the administrative office of the courts, provide such space as necessary in facilities owned, leased, or controlled by such organization for the operations of circuit or district court, or both. The agency may provide space for the operations listed in subsection (2) of this section.

(5) If *all necessary* [suitable] facilities for the holding of circuit or district court, for the clerk's operations, or for the operation of the court or its ancillary functions, are not available in public facilities, private facilities may be rented, leased, purchased, or otherwise acquired, by the *executive department for finance and administration* [administrative office of the courts] pursuant to permission granted by the Chief Justice for such acquisition and in compliance with the provisions of KRS Chapters 45 and 46.

SECTION 3. A NEW SECTION OF KRS CHAPTER 26A IS CREATED TO READ AS FOLLOWS:

(1) Each unit of government providing space in a court facility to the court of justice under the provisions of KRS 26A.100 shall be paid an operating costs allowance to be administered by the executive department for finance and administration plus a use allowance.

(2) The precise amount paid for operating costs allowance and use allowance shall be computed by allocating to the court of justice its proportionate share of each category according to the relative portion of the floor space in the facility which is occupied by the court of justice. Compensation shall be calculated on an annualized basis, may be in the form of rental per square footage, and shall be paid quarterly. Should the availability of space provided to the court of justice be limited by the governmental unit to a part-time basis, the compensation shall be apportioned according to the number of days or partial days per week in which it is made available, one (1) day or partial day per week being considered as one-fifth (1/5) of the time.

SECTION 4. A NEW SECTION OF KRS CHAPTER 26A IS CREATED TO READ AS FOLLOWS:

The state properties and buildings commission may, subject to biennial appropriations, provide for long term lease agreements with units of government or private lessors for court facilities. Such lease agreements may be for the period of years representing the useful life of the court facility.

SECTION 5. A NEW SECTION OF KRS CHAPTER 26A IS CREATED TO READ AS FOLLOWS:

(1) The court facilities standards committee shall provide for periodic review of each court facility and may make recommendations for improvements.

(2) No use allowance shall be paid respecting any capital costs contracted for any court facility after the effective date of this Act unless the construction or renovation receives prior concurrence by the court facilities standards committee.

This Act shall become effective on July 1, 1978.

The Committee on State Government reported **HB 259** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on State Government reported **SCR 55,** with Committee Amendment and Title Amendment attached thereto, **SB 258** with Committee Amendment attached thereto, and **SB 336** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SCR 55, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the credit practices in the Commonwealth as they relate to women.

WHEREAS, over the years, women have had a difficult time giving acceptance as credit worthy individuals; and

WHEREAS, credit to women has often been denied on factors other than credit worthiness or ability to repay; and

WHEREAS, single women, traditionally, have had great difficulty in their efforts to obtain mortgages; and

WHEREAS, women, upon marriage, have been required to reapply for credit in the name of their husbands; and

WHEREAS, widowed, divorced or separated women encounter special barriers in obtaining credit and have frequently been denied credit in the past even though they were qualified applicants and were supporting their families;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Legislative Research Commission is authorized and directed to study credit practices in Kentucky with reference to women. Special consideration should be given to the effectiveness of the Federal Equal Credit Opportunity Act in eliminating credit discrimination practices.

Section 2. The results of this study and any recommendation shall be reported to the appropriate interim joint committee not later than June 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $12,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee Amendment to **SCR 55** is as follows:

Amend printed copy of **SCR 55,** page 1, following the word "families" and preceding the words "NOW, THEREFORE," by inserting the following:

"WHEREAS, the insurance industry appears to use sex-based classification with discriminatory effects on women in all aspects of insurance, especially in availability and scope of benefits, and in premium rates; and

WHEREAS, many types of insurance benefits available to men are not offered to women and even when benefits are equally available, women often pay higher premiums; and

Whereas, since so much of the insurance available to women is inadequate and/or expensive, the purpose of buying insurance is negated;"

and on page 1, line 2, by inserting after the word "study", the following: "discrimination in insurance and".

The Committee Title Amendment to **SCR 55** is as follows:

Amend printed copy of **SCR 55,** page 1, TITLE AMENDMENT, the title is amended to read as follows:

"A CONCURRENT RESOLUTION directing the Legislative Research Commission to study sex discrimination practices in credit and insurance in the Commonwealth of Kentucky."

SB 258, AN ACT relating to hotels and food service establishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 219.021 is amended to read as follows:

(1) No person shall operate a hotel or food service establishment without first having obtained a permit to operate from the department. An application for a permit to operate any hotel or food service establishment shall be made to the department upon forms provided by it and shall contain such information as the department may reasonably require.

(2) Except as otherwise provided in subsection (4) of this section, each application for a permit to operate a hotel or food service establishment shall be accompanied by a *reasonable* fee *to be determined by the secretary not to exceed fifty dollars ($50)* [of ten dollars ($10.00)].

(3) Upon receipt of an application for a permit to operate a hotel or food service establishment accompanied by the required fee, the department shall issue a permit if such establishment meets the requirements of KRS 219.011 to 219.081 and rules and regulations adopted by the department. Provided, however, That food service establishments and hotels holding a valid and effective permit on January 1, 1973, even though not fully meeting the construction requirements of KRS 219.011 to 219.081 and the regulations adopted pursuant thereto, may continue to be eligible for permit renewal if in good repair and capable of being maintained in a safe and sanitary manner; and further provided there is no change in ownership of the establishment.

(4) Private, parochial, and public school cafeterias or lunchroom facilities through the 12th grade and all facilities operated by the department for human resources, *department of justice, confinement facilities operated by local governmental agencies,* [bureau of corrections] and *youth camps, day care centers and child caring facilities regulated* [operated or licensed] by the department for human resources shall be exempt from the payment of fees, but shall comply with all other provisions of KRS 219.011 to 219.081 and the state food service code.

(5) Each permit to operate a hotel or food service establishment unless previously suspended or revoked shall expire on December 31, following its date of issuance, and be renewable annually upon application accompanied by the required fee [of ten dollars ($10.00)], except as otherwise provided in subsection (4) of this section and provided the establishment is in compliance with KRS 219.011 to 219.081 and rules and regulations of the department.

(6) Each permit to operate a hotel or food service establishment shall be issued only for the premises and person named in the application and shall not be transferable. Permits issued shall be posted in a conspicuous place in the establishment.

Section 2. KRS 219.340 is amended to read as follows:

(1) Upon receipt of an application for a permit to operate, accompanied by *a reasonable* [the required] permit fee *to be determined by the secretary not to exceed fifty dollars ($50)* [of twenty-five dollars ($25.00)], the department shall issue a permit, provided the park meets the standards and requirements of KRS 219.310 to 219.410 and the regulations adopted by the secretary.

(2) Each permit to operate, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually, upon application and payment of a *fee equal to the amount of the permit* [twenty-five dollar ($25.00) renewal] fee, provided the park is maintained and operated in compliance with KRS 219.310 to 219.410 and the regulations adopted by the secretary.

(3) Each permit to operate shall be issued only for the person and premises, including number of spaces, named in the application and shall not be transferable.

(4) The person holding an operating permit shall post it conspicuously within the park or have it readily available for examination upon request by agents of the department or prospective park occupants.

The Committee Amendment to **SB 258** is as follows:

Amend printed copy of **SB 258,** page 1, line TITLE, by deleting the words "hotels and food service establishments" and inserting in lieu thereof the words "permit fees".

SB 336, AN ACT relating to the Kentucky pollution abatement authority.

WHEREAS, in 1972 the general assembly of Kentucky established the Kentucky pollution abatement authority upon determining that pollution was seriously harming Kentucky's water resources; and

WHEREAS, the Kentucky pollution abatement authority has heretofore performed valuable services in protecting the health, welfare and safety of the inhabitants of the Commonwealth of Kentucky; and

WHEREAS, Sections 103.200 to 103.285, inclusive, of the Kentucky Revised Statutes authorize cities and counties to undertake on behalf of qualifying entities the financing of the construction and acquisition of pollution control facilities, and it is appropriate and proper that Kentucky pollution abatement authority be granted similar authority, it being stipulated in all such cases that any such financings be payable solely and only from payments made by assisted enterprises, and it is also appropriate that the authority be authorized to carry out such financings pursuant to undertakings whereby issues of securities in connection therewith are guaranteed by the United States small business administration;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 224A IS CREATED TO READ AS FOLLOWS:

As used in this Act, the term "pollution control facilities" shall have the meaning ascribed to such term by KRS 103.246.

SECTION 2. A NEW SECTION OF KRS CHAPTER 224A IS CREATED TO READ AS FOLLOWS:

The Kentucky pollution abatement authority, a de jure municipal corporation and political subdivision of the Commonwealth of Kentucky, duly created and existing pursuant to KRS Chapter 224A, is hereby granted all rights, powers and privileges which are granted to cities and counties pursuant to the provisions of KRS 103.200 to 103.285, inclusive, but only in respect of the financing by the Kentucky pollution abatement authority of pollution control facilities. Such authority hereby granted to the Kentucky pollution abatement authority shall specifically include all authority granted by KRS 103.246. When the provisions of KRS 103.200 to 103.285, inclusive, are used by Kentucky pollution abatement authority in the financing of pollution control facilities, the terms "city" and "county" as used in said cited statutes shall mean and refer to the Kentucky pollution abatement authority.

SECTION 3. A NEW SECTION OF KRS CHAPTER 224A IS CREATED TO READ AS FOLLOWS:

The Kentucky pollution abatement authority is specifically authorized to provide financing for pollution control facilities for industrial concerns and utility companies, by the issuance of its bonds or notes in accordance with the provisions of KRS 103.200 to 103.285, inclusive; provided, however, that neither the Kentucky pollution abatement authority nor the Commonwealth or any political subdivision of the Commonwealth shall be pecuniarily responsible or liable in any manner for the payment of principal of and interest on bonds or notes issued by the Kentucky pollution abatement authority pursuant to this Act, such bonds or notes to be payable solely and only from revenues, receipts and payments derived from the lease, sale or vesting of such pollution control facilities in and to industrial concerns and utility companies with whom the authority contracts and from no other source whatsoever; provided, however, that the authority may additionally enter into such agreements with the United States small business administration as shall be necessary in connection with the financing of pollution control facilities in order to provide for the guarantee of bonds or notes of the Kentucky pollution abatement authority by the United States small business administration.

Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **SB 309.**

Banking and Insurance: **SB 320.**

Health and Welfare: **SB 278.**

State Government: **HR 127, SB 283, SB 289, SB 306.**

Senate Message

Announcing passage of **SB 341, SB 317, HB 517, HB 378. HB 634** returned at request of House.

Announcements (Continued)

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions.

Floor (Title) Amendment and Floor Amendment No. 1 to **SB 72** by Representative Cyrus.

Floor Amendment No. 1 to **SB 260** by Representative Brinkley.

Floor (Title) Amendment and Floor Amendment No. 1 to **SB 328** by Representative Brinkley.

Floor Amendment No. 4 to **SB 348** by Representative Weinberg.

Floor Amendment No. 1 to **SB 340** by Representative Weinberg.

Representative Patrick requested that he be recorded as voting "nay" on Floor Amendment No. 3 to **SB 209** and "yea" on the passage of **SB 209.**

Adjournment

Representative F. Smith moved that the House adjourn until 2:00 p.m., Monday, March 13, 1978.

The motion to adjourn was adopted by voice vote.

MONDAY, MARCH 13, 1978

FIFTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Jerry Graham, Cedar Hill Baptist Church, Owenton.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 10, 1978, be dispensed with and the same approved. Agreed.

Senate Message

Announcing passage of **SB 173, SB 205, HB 358** with Committee Substitute and amendments, **HB 194, HB 236, HB 242, HB 329, HB 380, HB 346, HB 398, HB 407, HB 439, HB 446, HB 447, HB 450, HB 494, HB 539,** and **HB 550.**

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue; **SB 341.**

State Government: **SB 317.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Labor and Industry: **HR 128.**

State Government: **SB 224.**

Report of Committees

The Committee on Banking and Insurance reported **SB 320** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 320, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF SUBTITLE 20 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) No insurer shall increase the premium on an automobile liability insurance policy solely as a result of a claim for an automobile accident filed by an insured if the insured was not at fault nor contributorily negligent.

(2) An insured may notify in writing the commissioner of insurance if the insured believes that an insurer has increased his premium in violation of subsection (1) of this section. The commissioner shall investigate the complaint, take appropriate action, and send written notice of his actions to the insured.

The Committee on Cities reported **SB 263** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 263, AN ACT relating to zoning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 100.211 is amended to read as follows:

(1) A proposal for amendment to any zoning regulation may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall then hold at least one (1) public hearing after notice as required by KRS chapter 424 and make recommendations to the various legislative bodies or fiscal courts involved, and it shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission.

(2) All procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a zoning regulation, *except that, in counties containing a city of the first class, any notice by newspaper shall be published thirty (30) days prior to the public hearing, and shall include the street address of the property in question, or if one is not available, a geographic description sufficient to locate and identify the property, and the names of the two (2) streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 100 IS CREATED TO READ AS FOLLOWS:

When in any planning unit containing any portion of a county containing a city of the first class a hearing is scheduled on a proposal to amend any zoning map plat, plan, text or regulation, the following notice shall be given in addition to any other notice required by statute by local regulation or ordinance to be given:

(1) Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for thirty (30) consecutive days immediately prior to the hearing. Posting shall be as follows:

(a) The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place and date of hearing shall be in letters at least one (1) inch in height.

(b) The sign shall be constructed of durable material and shall state the telephone number of the appropriate zoning commission.

(2) Notice of the hearing shall be given at least thirty (30) days in advance of the hearing by registered mail or by certified mail, return receipt requested to the owners of all property adjoining at any point the property the classification of which is proposed to be changed, to all owners of property directly across the street from said property, and to all owners of property which adjoins at any point the adjoining property or the property directly across the street. It shall be the duty of the person or persons proposing the amendment to furnish to the planning commission the names and addresses of the owners of all property as described in this subsection. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners.

(3) If the hearing has been scheduled for a time during normal working hours, and if, within fifteen (15) days of the scheduled date of the hearing the planning commission shall receive a petition from two hundred (200) property owners living within the planning unit requesting that the hearing be rescheduled for a time after normal working hours, then the planning commission shall reschedule the hearing for a time after normal working hours on a date no earlier than the date of the original hearing. The planning commission shall then publish notice of the new hearing time and date according to the provisions of KRS 100.211, except that notice shall occur at least seven (7) days prior to the public hearing. The sign required by subsection (1) of this section shall be changed to reflect the new hearing time and date at least seven (7) days prior to the public hearing. The persons who receive mail notice according to the provisions of subsection (2) of this section shall again be notified by certified or registered mail, return receipt requested, of the new hearing time and date at least seven (7) days prior to the hearing. The hearing time shall not be changed more than once by the procedures of this section except in the event of intervening emergency which requires the cancellation of a hearing.

(4) Notice by mail shall include a list of the names and addresses of each person so notified, and a description of the procedure by which those notified can petition for a change in the hearing time.

Section 3. KRS 100.253 is amended to read as follows:

(1) The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

(2) The board of adjustments shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, [.] nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, *provided, however, the board of adjustments may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.*

The Committee on Labor and Industry reported **HR 128** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 128, A RESOLUTION urging the government of the United States to maintain its diplomatic relations and the Mutual Defense Treaty with the Republic of China.

WHEREAS, the Republic of China was a founding member of the United Nations and has always been a law abiding member of the community of nations; and

WHEREAS, the Republic of China is an important trading partner of the United States; and

WHEREAS, President Jimmy Carter has repeatedly stated that he will pursue an open and just foreign policy, based on morality; and

WHEREAS, President Jimmy Carter has also repeatedly stated that he will not compromise the freedom and security of the people of the Republic of China and will stand by the U.S. commitments to that country;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this Body strongly endorses the positions of President Jimmy Carter as stated above.

Section 2. That the Government of the United States is hereby strongly urged to maintain its diplomatic relations and the Mutual Defense Treaty with the Republic of China.

Section 3. That the Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this resolution to the President and the Secretary of State of the United States of America, the members of Congress from the state of Kentucky and the Ambassador of the Republic of China to the United States.

The Committee on State Government reported **SCR 35** and **SCR 38** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SCR 35, A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a study of rural life in Kentucky.

WHEREAS, Kentuckians historically and today are closely associated with rural and agrarian matters; and

WHEREAS, in 1978 there were about 117,000 farms in Kentucky, ranking her tied for fourth among the states in the number of farms; and

WHEREAS, cash receipts in farm income to Kentucky farmers is well over $1.6 billion, making it one of the state's biggest businesses; and

WHEREAS, a significant number of these rural citizens lack adequate housing; and

WHEREAS, some of the water districts supplying drinking water to these rural Kentuckians are having technical, administrative, and financial problems; and

WHEREAS, the collection of solid wastes in rural Kentucky is woefully inadequate;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to conduct a study of the quality of rural life in the Commonwealth of Kentucky with particular emphasis on adequate housing, water supply, and solid waste disposal.

Section 2. The study along with any recommendations shall be reported to the appropriate committee not later than June 1,1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $24,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

SCR 38, A CONCURRENT RESOLUTION directing a study and review of those portions of the Kentucky Revised Statutes pertaining to the Legislative Research Commission.

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the director of the Legislative Research Commission be and he is hereby directed to conduct a study and review of those portions of the Kentucky Revised Statutes which pertain to the Legislative Research Commission, with a view toward any revision necessary to permit the commission to perform its assigned functions more efficiently.

Section 2. That the director shall report his findings and recommendations to the Legislative Research Commission within a period of time sufficient to permit the preparation of legislation for the 1980 General Assembly, and in no event later than October 1, 1979.

Calendar

HB 486, SB 259, SB 331, SCR 52, SB 237, HCR 117, SB 255, SB 284, HB 394, SB 279, HB 764, HCR 110, SB 316, SCR 45, HB 716, SJR 5, SB 257, SB 335, SB 337, SB 340, HB 467, HCR 80, SB 233, SB 288, SB 293, SCR 55, SB 258, and **SB 336** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative B. Richardson moved that the rules be suspended to waive the posting requirement on **SB 317, SB 289, HR 85, SB 136,** and **SB 138.**

Representative B. Richardson moved that the twenty-four hour requirement for filing Floor Amendments to **SB 107** be waived. Agreed.

Representative B. Richardson moved that the rules be suspended to allow Motions, Petitions and Communications to follow Orders of the Day henceforth. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 378, HB 517, SB 115, SB 209, SB 112, SB 78, SB 150, SB 184, SB 109, SB 167,** and **SB 260** had been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 378, HB 517 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day

Representative B. Richardson moved that **HB 563** be recommitted to the Committee on Cities. Agreed.

SB 114 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved the adoption of the following Floor Amendment No. 5 to **SB 114:**

Amend printed copy of **SB 114,** page 8, after line 25, by adding after line 25 the following:

"SECTION 8. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) The department of transportation shall issue an occupational operator's license upon application by persons whose operator's license has been suspended or revoked for one or more of the following reasons:

(a) driving a vehicle while under the influence of intoxication liquor; or

(b) failure to consent to a test for alcohol in blood under the provisions of KRS 186.565; or

(c) habitually reckless or negligent driver under the provisions of KRS 816.570, subsection (1)(d); or

(d) a judgment for suspension of an operator's license rendered in accordance with KRS 187.410.

(2) An occupational operator's license shall be issued to a person who has a demonstrated need to operate a motor vehicle as an essential part of that person's livelihood and shall be restrictly limited to occupational purposes, including only uninterrupted travel to and from a place of residence to a place of employment and travel during the course of employment.

(3) A person shall be eligible for only one occupational operator's license during their lifetime with the exception that it shall be renewable on a continuous basis for the term of the revocation or suspension, if such were for a period exceeding one year.

(4) An occupational operator's license shall be immediately revoked upon conviction of any violation which would result in the suspension or revocation of a regular operator's license, or which would result in an many as three (3) points being assessed against a regular operator's license under the "point system".

(5) Applicants for an occupational operator's license shall pay to the circuit clerk a fee of two hundred and fifty dollars ($250). The clerk shall retain the usual fee for processing an operator's license and shall forward the remainder of the fee to the department of transportation.

SECTION 9. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

If any holder of an occupational operator's license violates the provisions of subsection (2) of this Act, the license shall be revoked and the holder thereof shall be fined not less than five hundred dollars ($500) and shall be imprisoned in the county jail for not more than six (6) months or both."

and on page 8, line 26, by renumbering "Section 8" as "Section 10".

On the roll call the vote was yeas 47-Bendl, Bennett, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Clapp, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Gray, Hancock, Hurst, Imes, Isler, Jones, Kenton, Layman, LeMaster, Little, Mann, May, McBee, Noe, Overstreet, Pearman, Petty, Priddy, P. Richardson, Romines, Stone, Thomas, Van Horn, Weinberg, Wilborn, Williams, Worthington, Yates. Nays 47-Adams, J. Allen, W. Allen, Arnold, Benson, Beshear, Blythe, Bruce, Burnette, Carpenter, Clarke, Craddock, DeMarcus, Foster, Guy, Haering, Head, Hines, Holbrook, Holloway, Johnson, Kidd, Kleier, Lindsay, List, Marcum, Maynard, McKinney, McNutt, Morris, Nett, O'Brien, Plummer, Rattliff, Richards, B. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, R. Smith, Stewart, Tobin, Trevey, White, Wright.

Floor Amendment No. 5 to **SB 114** was rejected.

Representative P. Richardson moved the adoption of the following Floor Amendment No. 3 to **SB 114:**

Amend printed copy of **SB 114,** page 8, line 25, by inserting after line 25 the following:

"Section 8. KRS 186.074 is amended to read as follows:

(1) The department of transportation is hereby authorized and empowered to design, issue and regulate the use of temporary permits for use in cases where dealer's plates cannot be used. No such temporary permit shall be valid in any event for more than ten (10) days and the expiration date shall be *legibly* written *in ink* on the permit. A person purchasing said permit shall pay a fee of fifty cents (50¢) per permit to the clerk for his services.

(2) The department of transportation is hereby authorized and empowered to design, issue and regulate the use of temporary permits for dealers in vehicles who are not required to be licensed under the provisions of KRS Chapter 190 or for financial institutions operating motor vehicles repossessed in the manner set forth by KRS 138.470(12) and exempted from the tax imposed by KRS 138.460. No temporary permit issued under the provisions of this section shall be valid for more than ten (10) days and the expiration date shall be legibly written in ink on the permit. A person purchasing said permit shall pay a fee for fifty cents (50¢) per permit to the department for its services. The department of transportation is hereby authorized and empowered to promulgate rules and regulations for the administration of this section.

and on page 8, line 26, by renumbering "Section 8" as "Section 9".

Agreed.

Representative Adams moved the adoption of the following Floor Amendment No. 2 to **SB 114:**

Amend printed copy of **SB 114,** page 8, after line 25, by inserting the following:

"Section 8. KRS 186.450 is amended to read as follows:

(1) Any person who *is fifteen and one-half (15 1/2) years old* [, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a permanent operator's license,] may make application for and obtain an instruction permit, to be issued by the circuit court clerk in the county of the applicant's residence, and such permit shall be valid for not more than *one hundred eighty (180)* [sixty (60)] days. The permit holder shall have this permit in his possession and be accompanied by *and operator who has been licensed for at least two (2) years* [a licensed operator] occupying the seat beside the operator at all times while operating a motor vehicle upon the highway.

(2) Any person who, except for his lack of instruction in operating a motorcycle, would otherwise be qualified to obtain a permanent motorcycle operator's license, may make application for and obtain an instruction permit, to be issued by the circuit court clerk in the county of the applicant's residence, and such permit shall be valid for not more than sixty (60) days. The permit holder shall have this permit in his possession at all times while operating a motorcycle upon the highway.

and on page 8, line 26, by renumbering Section 8 as Section 9."

On the roll call the vote was yeas 44-Adams, J. Allen, Bennett, Blythe, Boatwright, Boswell, Brinkley, Brown, Burnette, Clapp, Craddock, Crupper, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Guenthner, Guy, Head, Hines, Imes, Isler, Layman, LeMaster, Marcum, May, McBee, Morris, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Stewart, Thomas, Van Horn, Wilborn, Worthington. Nays 41-W. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Burch, Carpenter, Clarke, Cyrus, Davenport, DeMarcus, Dunn, Gay, Gray, Haering, Holbrook, Holloway, Johnson, Jones, Kenton, Kidd, Kleier, Maynard, McKinney, McNutt, Nett, O'Brien, Overstreet, Plummer, Rattliff, Riner, Siemens, F. Smith, R. Smith, Tobin, Trevey, Weinberg, Williams, Wright, Yates.

Floor Amendment No. 2 to **SB 114** was adopted.

Representative Pearman moved the adoption of the following Floor Amendment No. 4 to **SB 114:**

Amend printed copy of **SB 114,** page 8, line 25, by inserting after line 25, the following:

"SECTION 8. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

The department of transportation shall issue an occupational operator's license upon application by persons whose operator's license has been suspended or revoked as a result of a judgment for suspension rendered in accordance with KRS 187.410. The license shall be issued to a person who has demonstrated a need to operate a motor vehicle as an essential part of that person's livelihood and shall be strictly limited to occupational purposes, including only uninterrupted travel from a place of residence to a place of employment and travel during the course of employment."

and on line 26, by renumbering Section 8 as Section 9.

Representative Beshear moved the Floor Amendment No. 4 to **SB 114** be laid on the table.

On the roll call the vote was yeas 39-W. Allen, Beshear, Brown, Burnette, Carpenter, Clarke, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Foster, Gay, Guenthner, Haering, Hines, Holbrook, Johnson, Jones, Kidd, Kleier, Lindsay, Maynard, McNutt, Nett, O'Brien, Overstreet, Plummer, Rattliff, Riner, Robinson, Sale, Schmidt, F. Smith, R. Smith, Trevey, Van Horn, Wells, Wright. Nays 52-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burch, Clapp, Craddock, Cyrus, Deskins, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hancock, Head, Holloway, Imes, Isler, Kenton, Layman, LeMaster, List, Little, Mann, Marcum, May, McKinney, Morris, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Siemens, Stewart, Stone, Thomas, Tobin, Weinberg, White, Wilborn, Yates.

The motion that Floor Amendment No. 4 to **SB 114** be laid on the table was rejected.

On the roll call the vote was yeas 33-Bennett, Boswell, Brinkley, Brown, Burch, Craddock, Crupper, Cyrus, Donnermeyer, Dunn, Gray, Guenthner, Hancock, Head, Imes, Isler, Kenton, Layman, LeMaster, May, McBee, Morris, Overstreet, Pearman, Petty, Priddy, Romines, Stewart, Stone, Thomas, Weinberg, Worthington, Yates. Nays 47-Adams, J. Allen, W. Allen, Bendl, Benson, Beshear, Blythe, Burnette, Carpenter, Clapp, Clarke, DeFalaise, DeMarcus, Deskins, Fitzgerald, Foster, Gay, Guy, Haering, Hines, Holbrook, Holloway, Jones, Kidd, Kleier, List, Little, Mann, Marcum, Maynard, McKinney, McNutt, Nett, Plummer, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, Tobin, Van Horn, Wright.

Floor Amendment No. 4 to **SB 114** was rejected.

Representative Tobin moved the adoption of the following Floor Amendment No. 1 to **SB 114:**

Amend printed copy of **SB 114,** page 9, following line 2, to read as follows:

Section 9. KRS 186.531 is amended to read as follows:

(1) The cost of operator's licenses, motorcycle operator's license and permits shall be as follows:

(a) The fee for any original or renewal license, including motorcycle operator's license, shall be *four dollars* ($4.00), except that the fee for a combination motor vehicle-motorcycle operator's license shall be *seven dollars* ($7.00) [ ]. *The fee for any four year original or renewal license, including motorcycle operator's license, shall be eight dollars ($8.00), except that the fee for a four year combination motor vehicle-motorcycle operator's license shall be fourteen dollars ($14.00);*

(b) The fee for any instruction permit shall be fifty cents plus fifty cents (50¢) for preparing and acknowledging such application;

(c) The fee for a duplicate license shall be $2.00; and

(d) The fee for a non-driver's identification card shall be $2.00.

(2) The circuit clerk shall deposit in the state treasury to the credit of the general fund except as provided in subsection (f) fees pertaining to applications and license fees in the following manner:

(a) One dollar and seventy-five cents ($1.75) of any original and renewal license, except that the fee for a combination motor vehicle-motorcycle operator's license shall be $3.00;

(b) Fifty cents (50¢) for issuance of any instruction permit;

(c) Fifty cents (50¢) for preparing and acknowledging an application for an instruction permit;

(d) One dollar and twenty-five cents ($1.25) for preparing and acknowledging an application for a duplicate;

(e) One dollar and twenty-five cents ($1.25) for each non-driver's identification card; and

(f) For each *two year* original *or* [,] renewal *license* [, duplicate license and non-driver's identification card,] fifty cents (50¢) *or for each four year original or renewal license one dollar ($1.00)* shall be credited to a special account within the state road fund and shall be used by the department of transportation exclusively for the purpose of issuing a photo license.

(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the department of transportation.

(4) The photo licenses shall be in use and the procedures prescribed by KRS 186.412 and 186.413 shall be fully implemented by January 1, 1975.

Section 10. KRS 186.535 is amended to read as follows:

(1) From the fee for each *two year* original or renewal operator's license, twenty-five cents (25¢) shall be credited to a special account within the road fund, and shall be used exclusively by the department of public safety for the purpose of expanding the state driver education program, and twenty-five cents (25¢) shall be paid to the fiscal court of the county where the drivers license is issued to be used by the fiscal court for county road purposes.

(2) From the fee for each four year original or renewal operator's license, fifty cents (50¢) shall be credited to a special account within the road fund, and shall be used exclusively by the department of transportation for the purpose of expanding the state driver education program, and fifty cents (50¢) shall be paid to the fiscal court of the county where the driver's license issued to be used by the fiscal court for county road purposes.

SECTION 11. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Persons whose family names begin with the letters "A" through "K" inclusive and whose operator's, motorcycle or combination license expires during calendar year 1979 or calendar year 1980 shall, during the expiration month, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a two year renewal license, which will expire on his birth month in the year 1981 or 1982, as the case may be, and shall be renewed every four (4) years thereafter during the applicant's birth month. The fee for the two year renewal licensed issued in 1979 or 1980 shall be four dollars ($4.00), except that the fee for a combination motor vehicle-motorcycle operator's license shall be seven dollars ($7.00). Thereafter, the renewal license fee shall be according to the schedule set forth in KRS 186.531.

(2) Persons whose family names begin with the letters "L" through "Z" inclusive and whose operator's motorcycle or combination license expires during calendar year 1979 or calendar year 1980 shall, during the expiration month, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a four year renewal license, which will expire on his birth month in the year 1983, or 1984, as the case may be, and shall be renewed every four (4) years thereafter during the applicant's birth month. The fee for the four year renewal license shall be according to the schedule set forth in KRS 186.531.

(3) Except as otherwise provided for in subsection (1) of this section, on and after January 1, 1979, all original and renewal operator's, motorcycle and combination licenses shall be renewed every four (4) years during the applicant's birth month.

Section 12. KRS 281.726 is amended to read as follows:

(1) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof has obtained a certificate of the department of transportation to the effect that the driver or chauffeur has met its requirements with respect to his health, vision, sobriety, intelligence, care, ability and experience. Certificates shall expire in the same month as the expiration date of the applicant's operator's license issued pursuant to KRS 186.410.

(2) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof is at least eighteen (18) years of age.

(3) The circuit clerk of each county shall:

(a) Act for the department of transportation for the purpose of issuing certificates and badges referred to in subsections (1) and (4) of this section;

(b) Issue a certificate, when he has determined that the applicant has fully complied with the law governing applications;

(c) Report to the department of transportation not later than the week following that in which the certificates were issued;

(d) Keep adequate records of all moneys collected and remitted to the department of revenue;

(e) Keep in his office at all times available to the department of transportation a record of all certificates issued in his county.

(4) The cost of the certificate shall be as follows: if the applicant's operator's license expires within six (6) months or less, $1.00; if within seven (7) to twelve (12) months, $2.00; if within thirteen (13) to eighteen (18) months, $3.00; and if within nineteen (19) to twenty-four (24) months, $4.00*; if within twenty-five (25) to thirty (30) months, $5.00; if within thirty-one (31) to thirty-six (36) months, $6.00; if within thirty-seven (37) to forty-two (42) months. $7.00; if within forty-three (43) to forty-eight (48) months, $8.00*. These costs shall be paid into the state treasury and credited to the state road fund. The holder of such a certificate, at all times when operating a motor vehicle for hire, shall have the certificate in his possession indicating that he is a certified driver or chauffeur.

(5) The department may, for good cause, upon complaint or upon its own motion revoke or suspend any such certificate, and said person shall be entitled to a hearing before the department of transportation.

On the roll call the vote was yeas 58-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Burch, Burnette, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, List, Marcum, May, Maynard, McNutt, Morris, Noe, Pearman, Petty, Plummer, Priddy, Richards, P. Richardson, Robinson, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 22-J. Allen, W. Allen, Clapp, Clarke, Crupper, Deskins, Dietz, Dunn, Fitzgerald, Foster, Gay, Gray, Layman, Little, Mann, McBee, Overstreet, Rattliff, B. Richardson, Riner, R. Smith, Van Horn.

Floor Amendment No. 1 to **SB 114** was adopted.

Representative B. Richardson moved that **SB 114,** as amended, be passed.

On the roll call the vote was yeas 65-Adams, Arnold, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Clapp, Clark, Craddock, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Imes, Isler, Jones, Kenton, Kidd, LeMaster, Lindsay, Little, Mann, Marcum, May, McBee, McNutt, Morris, Noe, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Tobin, Weinberg, Wells, Wilborn, Worthington, Yates. Nays 26-J. Allen, W. Allen, Beshear, Carpenter, Crupper, Davenport, Dawahare, DeMarcus, Haering, Holloway, Johnson, Kleier, Layman, List, Maynard, McKinney, Nett, Overstreet, Plummer, Rattliff, Riner, Robinson, Thomas, Van Horn, White, Wright.

SB 114, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 114,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 287 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved that **SB 287** be passed.

On the roll call the vote was yeas 77-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Head, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, Morris, Overstreet, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, Wells, Worthington, Wright, Yates. Nays 8-Beshear, Boatwright, Clarke, Mann, McNutt, Noe, Petty, Tobin.

SB 287 was passed and the title agreed to.

SB 71 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Haering, Hancock, Head, Isler, Johnson, Kenton, Kidd, LeMaster, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, Petty, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Van Horn, Weinberg, Wells, White, Wilborn, Yates. Nays 16-W. Allen, Burnette, Deskins, Gay, Guenthner, Holbrook, Holloway, Imes, Layman, Overstreet, Pearman, Plummer, Rattliff, R. Smith, Tobin, Wright.

SB 71 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 71** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 158 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blandford moved that **SB 158** be passed.

On the roll call the vote was yeas 74-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Nett, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Tobin, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 2-Blythe, Van Horn.

SB 158 was passed and the title agreed to.

Representative Blandford moved that the vote by which **SB 158** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 166 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 61-Arnold, Bennett, Beshear, Blandford, Boswell, Brown, Burnette, Carpenter, Clapp, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Gray, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kleier, Layman, LeMaster, Lindsay, List, Mann, Marcum, May, McBee, McNutt, Morris, Nett, Overstreet, Petty, Priddy, Richards, B. Richardson, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Tobin, Van Horn, Wells, Wilborn, Worthington, Wright, Yates. Nays 18-Adams, J. Allen, W. Allen, Benson, Blythe, Brinkley, Bruce, Clarke, Dawahare, Deskins, Foster, Guy, Maynard, Pearman, Plummer, Schmidt, Thomas, Weinberg.

SB 166 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 166** was passed be reconsidered and said motion be postponed indefinitely. Agree.

SB 198 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **SB 198** be passed.

On the roll call the vote was yeas 65-Adams, W. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Head, Hines, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McNutt, Pearman, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, R. Smith, Stone, Thomas, Van Horn, Wilborn, Wright, Yates. Nays 15-Bendl, Blythe, Davenport, DeFalaise, Haering, Hancock, Holbrook, Layman, Marcum, Morris, Nett, Overstreet, Priddy, Schmidt, F. Smith.

SB 198 was passed and the title agreed to.

Representative Richards moved that the vote by which **SB 198** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 200 taken from Orders of the day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **SB 200** be passed.

On the roll call the vote was yeas 77-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wilborn, Wright, Yates. Nays 0.

SB 200 was passed and the title agreed to.

Representative Kleier moved that the vote by which **SB 200** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 232 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **SB 232** be passed.

On the roll call the vote was yeas 83-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Maynard, McBee, McNutt, Morris, Nett, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Van Horn, Wells, Wilborn, Williams, Wright, Yates. Nays 1-Brown.

SB 232 was passed and the title agreed to.

Representative Bruce moved that the vote by which **SB 232** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 116 taken from Orders of the Day. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative F. Smith moved that **HCR 116** be passed.

On the roll call the vote was yeas 42-Bendl, Bennett, Benson, Beshear, Brinkley, Bruce, Burch, Clapp, Clarke, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gay, Guy, Hancock, Head, Holloway, Isler, Kenton, Mann, Maynard, McBee, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, F. Smith, Stewart, Stone, Tobin, Van Horn, Wilborn, Williams, Yates. Nays 34-Adams, W. Allen, Arnold, Blandford, Blythe, Boswell, Burnette, Crupper, DeFalaise, DeMarcus, Foster, Gray, Guenthner, Haering, Hines, Holbrook, Imes, Jones, Layman, LeMaster, Lindsay, List, Little, Marcum, McNutt, Morris, Overstreet, Pearman, Plummer, Riner, Robinson, Siemens, R. Smith, Wells.

HCR 116 was passed and the title agreed to.

Representative F. Smith moved that the vote by which **HCR 116** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

HJR 96 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blandford moved the adoption of the following Floor Amendment No. 1 to **HJR 96:**

Amend printed copy of **HJR 96,** page 3, line 20, delete Section 5 in its entirety

Agreed.

Representative Blandford moved that **HJR 96** be passed as amended.

On the roll call the vote was yeas 77-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guy, Haering, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McKinney, McNutt, Morris, Nett, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Tobin, Van Horn, Weinberg, Wells, Wilborn, Williams, Wright, Yates. Nays 0.

HJR 96, as amended, was passed and the title agreed to.

Representative Blandford moved that the vote by which **HJR 96,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 114 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that **HCR 14** be adopted.

On the roll call the vote was yeas 71-Adams, J. Allen, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Haering, Hines, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McNutt, Morris, Nett, Noe, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright, Yates. Nays 7-Arnold, Burnette, Gay, Guenthner, Lindsay, Overstreet, Pearman.

HCR 114 was adopted and the title agreed to.

Representative Bendl moved that the vote by which **HCR 114** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 67 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **HCR 67** be adopted.

On the roll call the vote was yeas 73-Adams, Arnold, Bendl, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Clapp, Clarke, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, List, Little, Mann, Marcum, May, Maynard, McKinney, Morris, Noe, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, R. Smith, Stone, Thomas, Tobin, Van Horn, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HCR 67 was adopted and the title agreed to.

Representative Richards moved that the vote by which **HCR 67** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

SB 236 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the following Floor Amendment No. 1 to **SB 236:**

Amend printed copy of **SB 236,** page 1, lines 6 and 7, by deleting after the word "than" the words "two hundred (200)" and inserting in lieu thereof "fifty (50)".

Agreed.

Representative Fitzgerald moved the passage of **SB 236,** as amended.

Representative Robinson moved the adoption of the following Floor Amendment No.2 to **SB 236:**

Amend printed copy of **SB 236,** page 1, line 8, after the word "person" and before the the word "has", insert the following words: "holds a household vintner's license and";

and on page 1, after line 11, add the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

A household vintner's license may be issued to an applicant and shall authorize the fermentation of wine on the premises of a licensee's personal residence for personal, household or family use in an amount not to exceed two hundred (200) gallons per calendar year.

Section 3. KRS 243.030 is amended to read as follows:

The following kinds of distilled spirits and wine licenses may be issued by the administrator of the distilled spirits unit, the fees for which shall be:

(1) Distiller's license, per annum	$500.00
(2) Rectifier's license, per annum	$1500.00
(3) Blender's license, per annum	$500.00
(4) Vintner's license, per annum	$500.00
(5) *Household vintner's license, per annum*	*$ 50.00*
(6) Small winery license, per annum	$250.00
(7) [(6)] Wholesaler's license, per annum	$1000.00
(8) [(7)] Retail package license, per annum:	
(a) In counties containing cities of the first class	$600.00
(b) In counties containing cities of the second class	$500.00
(c) In counties containing cities of the third class	$400.00
(d) In counties containing cities of the fourth class	$300.00
(e) In all other counties	$200.00
(9) [(8)] Retail drink license, per annum:	
(a) In counties containing cities of the first class	$800.00
(b) In counties containing cities of the second class	$500.00
(c) In counties containing cities of the third class	$400.00
(10 [(9)] Transporter's license, per annum	$10.00
(11) [(10)] Dining car license, per annum	$50.00
(12) [(11)] Special nonbeverage alcohol vendor's license, per annum	$2.00
(13) [(12)] Special industrial alcohol license, per annum	$2.00
(14) [(13)] Special nonindustrial alcohol license, per annum	$2.00
(15) [(14)] Special agent's or solicitor's license, per annum	$2.00
(16) [(15)] Special storage or warehouse license, per annum	$50.00
(17) [(16)] Special temporary license, per month or part of month, one-sixth of the fees enumerated in subsection (7).	
(18) [(17)] Special private club license, per annum	$150.00
(19) [(18)] Special Sunday retail drink license	$300.00

(20) [(19)] Such other special license as the board may find necessary for the proper regulation and control of the traffic in distilled spirits and wine and may provide for by regulation. In fixing the amount of license taxes that are required to be fixed by the board, it shall have regard for the value of the privilege granted."

On the roll call the vote was yeas 14-W. Allen, Brinkley, Bruce, Burch, DeMarcus, Morris, Pearman, Plummer, Rattliff, Richards, Riner, Robinson, R. Smith, Tobin. Nays 55-Arnold, Bendl, Beshear, Blandford, Boswell, Burnette, Clarke, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Gay, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kenton, Kleier, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Nett, O'Brien, Petty, Priddy, B. Richardson, P. Richardson, Schmidt, Siemens, F. Smith, Stewart, Stone, Van Horn, Wells, Wilborn, Williams, Worthington, Wright, Yates.

Floor Amendment No. 2 to **SB 236** was rejected.

Representative Fitzgerald moved that **SB 236**, as amended, be passed.

On the roll call the vote was yeas 39-Bendl, Benson, Beshear, Blandford, Blythe, Burch, Clapp, Clarke, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Guenthner, Hancock, Hines, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Mann, Maynard, McBee, Nett, O'Brien, Petty, Priddy, B. Richardson, P. Richardson, Siemens, F. Smith, Van Horn, Wells, Wilborn, Yates. Nays 42-Adams, W. Allen, Boatwright, Brinkley, Brown, Bruce, Burnette, Craddock, Cyrus, Dawahare, DeMarcus, Deskins, Foster, Gray, Guy, Haering, Head, Holbrook, Holloway, Imes, Layman, Little, Marcum, May, McKinney, McNutt, Morris, Overstreet, Pearman, Plummer, Rattliff, Richards, Riner, Robinson, Sale, R. Smith, Stewart, Stone, Tobin, White, Williams, Wright.

SB 236, as amended, was defeated.

Representative Robinson moved that the vote by which **SB 236,** as amended, was defeated be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 31-W. Allen, Boatwright, Boswell, Brinkley, Bruce, Burnette, Craddock, Cyrus, Dawahare, DeMarcus, Foster, Haering, Head, Holbrook, Imes, Jones, Layman, Little, Marcum, May, Morris, Pearman, Plummer, Rattliff, Richards, Riner, Robinson, Sale, R. Smith, Stone, White. Nays 38-Bendl, Benson, Blandford, Burch, Clarke, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Gray, Guenthner, Guy, Hancock, Hines, Isler, Kleier, LeMaster, Lindsay, List, Mann, Maynard, McBee, Nett, O'Brien, Petty, Priddy, B. Richardson, P. Richardson, Schmidt, Siemens, F. Smith, Thomas, Van Horn, Wilborn, Williams, Worthington, Yates.

The motion that the vote by which **SB 236,** as amended, was defeated be reconsidered and said motion be postponed indefinitely was rejected.

SB 13 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74-Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clarke, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Kidd, Kleier, Layman, Lindsay, List, Little, Mann, Marcum, May, McBee, Morris, Nett, O'Brien, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Thomas, Van Horn, Wells, White, Wilborn, Williams, Wright, Yates. Nays 2-Holloway, Worthington.

SB 13 was passed and the title agreed to.

Representative Richards moved that the vote by which **SB 13** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 28 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **SB 28** be passed.

On the roll call the vote was yeas 75-Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Kidd, Kleier, Layman, Lindsay, List, Little, Mann, Marcum, Maynard, McBee, McKinney, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, White, Wilborn, Worthington, Wright, Yates. Nays 5-Deskins, Fitzgerald, Haering, Holloway, Pearman.

SB 28 was passed and the title agreed to.

Representative Richards moved that the vote by which **SB 28** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 97 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **SB 97** be passed.

On the roll call the vote was yeas 58-Adams, J. Allen, Arnold, Bendl, Beshear, Blandford, Blythe, Boswell, Burch, Burnette, Clarke, Cyrus, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Holbrook, Holloway, Hurst, Isler, Johnson, Kleier, LeMaster, List, Mann, Marcum, McBee, Nett, Noe, O'Brien, Overstreet, Petty, Priddy, Richards, P. Richardson, Riner, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Worthington, Wright, Yates. Nays 13-W. Allen, Benson, Boatwright, Brinkley, Deskins, Imes, Layman, Little, May, Morris, Rattliff, B. Richardson, Wilborn.

SB 97 was passed and the title agreed to.

Representative Kleier moved that the vote by which **SB 97** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 107 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 107**:

Amend printed copy of **SB 107,** page 30 after line 8, by adding:

"SECTION 20. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO READ AS FOLLOWS:

A doctor of chiropractic, licensed to practice under the provisions of KRS Chapter 312, shall have his services to employes covered by the workmen's compensation law paid for under the workmen's compensation provisions of KRS Chapter 342. An employe claiming benefits under the provisions of KRS Chapter 342 shall have the right to choose the services of a licensed doctor of chiropractic."

Agreed.

Representative B. Richardson moved that **SB 107,** as amended, be passed.

On the roll call the vote was yeas 71-Adams, J. Allen, W. Allen, Arnold, Bendl, Blandford, Boswell, Brinkley, Brown, Burch, Burnette, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Hurst, Imes, Isler, Jones, Kidd, Kleier, Layman, LeMaster, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Stone, Thomas, Van Horn, Weinberg, Wilborn, Wright, Yates. Nays 7-Beshear, Bruce, DeFalaise, Hancock, Holloway, Morris, Pearman.

SB 107, as amended, was passed and the title agreed to.

Representative B. Richardson moved the adoption of the following Title (Floor) Amendment to **SB 107:**

Amend printed copy of **SB 107,** page 1, the title by deleting same and inserting in lieu thereof "AN ACT relating to insurance."

The Title Amendment to **SB 107** was adopted.

Representative B. Richardson moved that the vote by which **SB 107,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 133, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of the Committee Amendment No. 1 to **SB 133.** Agreed.

Representative Overstreet moved the adoption of the following Floor Amendment No. 1 to **SB 133:**

Amend printed copy of **SB 133,** page 1, by deleting lines 1 through 21 in their entirety;

and on pages 2, 3 and 4, by deleting these pages in their entirety and inserting in lieu thereof the following:

"Section 1. KRS 504.040 is amended to read as follows:

(1) No *defendant* [person] who, as a result of mental disease or defect, lacks capacity to appreciate the nature and consequences of the proceedings against him or to participate rationally in his own defense shall be tried, convicted or sentenced for the commission of an offense, so long as such incapacity endures.

(2) If upon arraignment, or during any stage of the proceedings, the court has reasonable grounds to believe that the defendant is incompetent, as defined in subsection (1) of this section, to stand trial, the court shall: (a) appoint at least one qualified psychiatrist to examine and report upon the mental condition of the defendant; or (b) if necessary, order the defendant committed to any hospital, medical facility or institution approved by the secretary of the department for human resources for the purpose of an examination and report upon the mental condition of the defendant, provided such commitment shall not be for a period of more than thirty (30) days, and further, provided that a qualified psychiatrist retained by the defendant shall be permitted to witness and participate in any examination of the defendant. Upon motion of the defendant, the court may for good cause extend defendant's commitment, for such examination for a further period of not more than thirty (30) days for the purpose of allowing the defendant sufficient time to furnish the examining psychiatrist additional information relevant to defendant's mental condition.

(3) The examining psychiatrist shall report to the court: (a) whether the defendant is incompetent, as defined in subsection (1) of this section, to stand trial; and if so, (b) whether there is a substantial probability of the defendant attaining competency to stand trial in the foreseeable future; and if not, (c) whether the defendant will cause injury to himself or others if not immediately restrained.

(4) After the defendant is examined and the report is filed, the court shall order an evidentiary hearing on the issue of defendant's competency to stand trial.

(5)(a) If the court finds the defendant is competent to stand trial, the court shall continue with the pending proceedings against the defendant.

(b) If the court finds the defendant is incompetent to stand trial but finds that there is a substantial probability of the defendant attaining competency to stand trial in the foreseeable future, the court shall order the defendant committed to a hospital, medical facility or institution approved by the secretary of the department for human resources and that the defendant be there detained until such time as he is competent to stand trial; provided such order of commitment shall direct such hospital, medical facility or institution to file periodic progress reports on the defendant's mental condition.

(c) If the court finds the defendant incompetent to stand trial and further finds that there is not a substantial probability of defendant attaining competency to stand trial in the forseeable future and further finds that there are reasonable grounds to believe that the defendant will cause injury to himself or others if not immediately restrained, the court shall order the dismissal of the proceedings against the defendant and the release of the defendant from custody; provided such order of dismissal and release shall provide that the effective date thereof be stayed for a period of not more than ten (10) days to allow proceedings to be initiated against the defendant for examination and possible detention pursuant to the provisions of KRS Chapter 202A or 202B; or

(d) If the court finds defendant incompetent to stand trial and further finds that there is not a substantial probability of defendant attaining competency in the foreseeable future and further finds that there are not reasonable grounds to believe that the defendant will cause injury to himself or others if not immediately restrained, the court shall order the dismissal of the proceedings against the defendant and the immediate release of the defendant.

(6) If a defendant is committed under subsection (5)(b) of this section, the court shall hold periodic evidentiary hearings on defendant's competency to stand trial with the periodic progress reports on defendant's mental condition being the basis for such hearings, and upon a finding at any such hearing that the defendant is competent to stand trial, the court shall continue with the pending proceedings against the defendant.

(7) If a defendant is committed under subsection (5)(b) of this section, and the defendant does not in fact attain competency to stand trial within a reasonable time, the court shall order the dismissal of the proceedings against the defendant and the release of the defendant from custody; provided such order of dismissal and release shall provide that the effective date be stayed for a period of ten (10) days to allow proceedings to be initiated against the defendant for examination and possible detention pursuant to the provisions of KRS Chapter 202A or 202B.

(8) No dismissal hereunder shall be a bar to a subsequent proceeding initiated under KRS Chapter 202A or 202B.

(9) Any period of detention of the defendant hereunder shall be considered time spent in custody under KRS 532.120(3).

[When a defendant is found to have a mental disease or defect as described in subsection (1), the court may on motion of the prosecuting attorney or on its own motion proceed immediately to have the defendant committed for examination and possible detention pursuant to the provisions of KRS Chapter 202A or 202B.]".

On the roll call the vote was yeas 36-W. Allen, Bendl, Beshear, Blythe, Boswell, Brinkley, Burnette, Crupper, Davenport, Dawahare, DeFalaise, Deskins, Gray, Haering, Holbrook, Imes, Kleier, Layman, Lindsay, List, Little, Marcum, Maynard, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Riner, Schmidt, R. Smith, Stone, Van Horn, White, Wright. Nays 37-Adams, J. Allen, Arnold, Benson, Blandford, Brown, Burch, Clapp, Clarke, Craddock, Cyrus, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Guy, Hancock, Holloway, Isler, Johnson, Jones, LeMaster, Mann, May, McNutt, Noe, O'Brien, Petty, Richards, B. Richardson, P. Richardson, Siemens, F. Smith, Thomas, Worthington, Yates.

Floor Amendment No. 1 to **SB 133** was rejected.

Representative B. Richardson moved that **SB 133,** as amended, be passed.

On the roll call the vote was yeas 47-Adams, J. Allen, Benson, Beshear, Blandford, Boswell, Burch, Clapp, Clarke, Craddock, Cyrus, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Gay, Guy, Hancock, Head, Isler, Johnson, Jones, LeMaster, Little, Mann, May, McNutt, Morris, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Siemens, F. Smith, Stone, Thomas, Tobin, Wells, White, Wilborn, Worthington, Yates. Nays 30-W. Allen, Arnold, Brinkley, Brown, Burnette, Crupper, Davenport, Dawahare, Deskins, Gray, Guenthner, Haering, Holbrook, Holloway, Hurst, Imes, Layman, Lindsay, List, Marcum, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, R. Smith, Van Horn, Weinberg, Wright.

SB 133, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 133,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 47 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Boswell moved that **SB 47** be passed.

Representative Wilborn moved the adoption of the following Floor Amendment No. 1 to **SB 47:**

Amend printed copy of **SB 47,** page 13, line 14, by inserting immediately after the word "is" the word "exempted" and by placing brackets around the word "excluded"

and on line 14 by inserting immediately after the numeral and letter "(1)(e)", the following words "the local school district shall provide an appropriate educational program in the least restrictive alternative placement which may include"

and on line 18 by placing brackets around the words "shall be provided" and adding immediately thereafter "in lieu of regular school attendance."

Agreed.

Representative Boswell moved that **SB 47,** as amended, be passed.

On the roll call the vote was yeas 84-Adams, J. Allen, W. Allen, Arnold, Bendl, Benson, Beshear, Blythe, Boswell, Brinkley, Bruce, Burch, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kleier, Layman, LeMaster, Lindsay, List,Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

SB 47, as amended, was passed and the title agreed to.

Representative Boswell moved that the vote by which **SB 47,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the rules be suspended to allow a Floor Amendment on **SB 215** filed today by Representative Hancock to be considered. Agreed.

SB 215, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved the adoption of the following Floor Amendment No. 2 to **SB 215:**

Amend printed copy of **SB 215,** page 55, line 25, by inserting following said line the following:

"Section 27. That the board of trustees of the Kentucky Retirement Systems is directed to conduct, or cause to be conducted, the necessary survey and audit to determine the number of persons, by year of commencement of membership, who became members of the Kentucky Employes Retirement System, State Police Retirement System, or County Employes Retirement System on or before December 31, 1977, who are eligible, or may become eligible to participate in the military service credit program established by KRS 61.555(4) and (5), KRS 16.541(3), and KRS 78.545(6). The Board is further directed to determine the proportion of those eligible members, by year of commencement of membership, who are interested in participating in the program and to determine the cost to the State of funding the military service credit program for all of those eligible members who are interested in participating in the program and for each group of eligible and interested members, defined by year of commencement of membership.

Section 28. That the Board of Trustees of the Kentucky Retirement Systems shall report the findings of the study directed by Section 27 of this Act to the 1980 General Assembly.

Section 29. To carry out the purpose of this Act, there is appropriated to the Board of Trustees of the Kentucky Retirement Systems out of the General Fund in the State Treasury the sum of five thousand dollars ($5,000) for the fiscal year 1978-79."

and on page 1, by amending the title to read as follows:

"AN ACT relating to retirement and other fringe benefits for working and retired public employes, and making an appropriation."

Agreed.

Representative B. Richardson moved that **SB 215,** as amended, be passed.

On the roll call the vote was yeas 79-Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, Morris, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 1-W. Allen.

SB 215, as amended, was passed.

Representative Hancock moved the adoption of the following Title (Floor) Amendment to **SB 215:**

Amend printed copy of **SB 215,** page 1, by amending the title to read as follows:

"AN ACT relating to retirement and other fringe benefits for working and retired public employes, and making an appropriation.".

The Title Amendment to **SB 215** was adopted.

Representative B. Richardson moved that the vote by which **SB 215,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 187, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Imes moved the adoption of the Committee Amendment No. 1 to **SB 187.** Agreed.

Representative Imes moved that **SB 187,** as amended, be passed.

On the roll call the vote was yeas 84-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 1-Brinkley.

SB 187, as amended, was passed.

Representative Imes moved the adoption of the Committee Title Amendment to **SB 187.** Agreed.

Representative Imes moved that the vote by which **SB 187,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 643 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that **HB 643** be passed.

On the roll call the vote was yeas 73-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Clapp, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, White, Wilborn, Wright, Yates. Nays 4-Bruce, Lindsay, Morris, Pearman.

HB 643 was passed and the title agreed to.

Representative Bendl moved that the vote by which **HB 643** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 242 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Nett moved that **SB 242** be passed.

On the roll call the vote was yeas 85-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, White, Wilborn, Worthington, Wright, Yates. Nays 1-DeFalaise.

SB 242 was passed and the title agreed to.

Representative Nett moved that the vote by which **SB 242** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 249 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Overstreet moved that **SB 249** be passed.

On the roll call the vote was yeas 81-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, R. Smith, Stewart, Stone, Tobin, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 0.

SB 249 was passed and the title agreed to.

Representative Overstreet moved that the vote by which **SB 249** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 254 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative O'Brien moved that **SB 254** be passed.

On the roll call the vote was yeas 69-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Burch, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, List, Little, Marcum, May, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 5-Bruce, Davenport, McNutt, Morris, Van Horn.

SB 254 was passed and the title agreed to.

Representative O'Brien moved that the vote by which **SB 254** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **HB 567** with Amendments, **HB 89** with Amendments, **HB 68** with Amendments, **HB 88,** and **HB 285.**

Orders of the Day (Continued)

SB 285 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **SB 285** be passed.

On the roll call the vote was yeas 88-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 1-Van Horn.

SB 285 was passed and the title agreed to.

Representative Kleier moved that the vote by which **SB 285** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SJR 27 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wells moved that **SJR 27** be passed.

On the roll call the vote was yeas 66-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Boatwright, Boswell, Burch, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Guy, Haering, Head, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Mann, Marcum, May, McBee, McKinney, McNutt, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 13-W. Allen, Blythe, Brinkley, Deskins, Gray, Hancock, Layman, Little, Overstreet, Patrick, Pearman, Plummer, Rattliff.

SJR 27 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SJR 27** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 702, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved the adoption of the Committee Substitute to **HB 702.** Agreed.

Representative Petty moved that **HB 702,** by way of Committee Substitute be passed.

On the roll call the vote was yeas 88-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 702, as amended, was passed and the title agreed to.

Representative Petty moved that the vote by which **HB 702,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 124 with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 124.** Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 124.**

Amend printed copy of **SB 124,** page 5, by inserting after line 6 the following language.

"Section 7. KRS 335.010 is amended to read as follows:

(1) It is the purpose and policy of the Commonwealth of Kentucky to protect the public from being misled by incompetent and unauthorized persons, and from unprofessional conduct on the part of qualified social workers by providing regulatory authority over persons who hold themselves out to the public as social workers.

(2) The purpose of KRS 335.010 to 335.160 and 335.990 is to promote high standards of professional performance for those engaged in the profession of social work by regulating the title, and by setting standards of qualification, training and experience for those who seek to engage in the practice of social work.

(3) Nothing contained in KRS 335.010 to 335.160 and 335.990 shall be applicable to employees of the State Department of Education or local boards of education who meet the certification requirements in the area of social work as established, or which may be established, by the State Board of Education. Nor shall anything in KRS 335.010 to 335.160 and 335.990 be construed to apply to, limit, or restrict the regulation of the title, setting of standards, qualifications, training or experience of those who seek to engage in the practice of social work and who have been, or will be, certified by the State Board of Education for the position for which they have been employed.

(4) Nothing contained in KRS 335.010 to 335.160 and 335.990 shall require persons employed by the Commonwealth of Kentucky, *the director administrative head of a social service agency or division of a city, county or urban county government* or applicants for such employment to be licensed.

(5) Nothing contained in KRS 335.010 to 335.160 and 335.990 shall require persons employed by church-related or church-operated or affiliated agencies, childrens' homes, neighborhood centers, or other philanthropic and non-profit field service offices to be licensed. The provisions of KRS 335.010 to 335.160 and 335.990 shall not be construed to apply to, limit or restrict the regulation of the title, setting of standards, qualifications, training and experience of those engaged as employes of such entities in the practice of social work or applied social counseling.

Agreed.

Representative B. Richardson moved that **SB 124,** as amended, be passed.

On the roll call the vote was yeas 64-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Guy, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kenton, LeMaster, Lindsay, List, Mann, May, Maynard, Noe, O'Brien, Overstreet, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Thomas, Tobin, Wells, White, Wilborn, Williams, Worthington, Yates. Nays 22-W. Allen, Boatwright, Brown, Clapp, Davenport, Deskins, Fitzgerald, Gray, Haering, Kleier, Layman, Little, Marcum, McBee, McNutt, Patrick, Pearman, Petty, Robinson, Van Horn, Weinberg, Wright.

SB 124, as amended, was passed and the the title agreed to.

Representative B. Richardson moved that the vote by which **SB 124,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 207 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that **SB 207** be passed.

On the roll call the vote was yeas 60-Adams, J. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Boswell, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Gray, Guy, Hancock, Hines, Holbrook, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Petty, Priddy, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, Stewart, Tobin, Weinberg, Wells, Wilborn, Williams, Yates. Nays 24-W. Allen, Blythe, Boatwright, Brinkley, Bruce, Burnette, Cyrus, Dawahare, Foster, Guenthner, Haering, Head, Holloway, Hurst, Lindsay, Patrick, Pearman, Plummer, Rattliff, Robinson, R. Smith, Stone, Van Horn, Wright.

SB 207 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 207** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 194, HB 236, HB 242, HB 329, HB 346, HB 380, HB 398, HB 407, HB 439, HB 446, HB 447, HB 450, HB 494, HB 539,** and **HB 550** have been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Governor.

HB 194, HB 236, HB 242, HB 329, HB 346, HB 380, HB 398, HB 407, HB 439, HB 446, HB 447, HB 450, HB 494, HB 539, and **HB 550** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (Continued)

Representative B. Richardson moved that the clincher motion be removed from **HB 634.** Agreed.

Representative Gray moved that the vote by which **HB 634** was passed be reconsidered. Agreed.

HB 634, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that **HB 634,** as amended, be passed.

On the roll call the vote was yeas 69-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Gray, Guy, Haering, Hancock, Hines, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, Marcum, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Yates. Nays 10-Blythe, Bruce, Burnette, Davenport, DeMarcus, Holloway, Patrick, Pearman, Rattliff, R. Smith.

HB 634, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 634,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the rules be suspended for the purpose of waiving posting on **SB 135, SB 273, SB 281, SB 304, HB 443,** and **SB 290.** Agreed.

Recess

Representative B. Richardson moved that the House recess for twenty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (Continued)

Representative B. Richardson moved that the clincher motion be removed from **SB 114.** Agreed.

Representative B. Richardson moved that the vote be reconsidered on **SB 114** and that it be placed in Orders of the Day. Agreed.

Representative B. Richardson moved that the vote on the Floor Amendment No. 1 to **SB 114** be reconsidered. Agreed.

SB 114, as amended, taken from Orders of the Day. Representative B. Richardson moved the adoption of the Floor Amendment No. 6 to **SB 114:**

Amend printed copy of **SB 114,** on page 9, following line 2, to read as follows:

"Section 9. KRS 186.531 is amended to read as follows:

(1) The cost of operator's licenses, motorcycle operator's license and permits shall be as follows:

(a) The fee for any *two year* original or renewal license, including motorcycle operator's license, shall be four dollars ($4.00), except that the fee for a combination motor vehicle-motorcycle operator's license shall be $7.00. *The fee for any four year original or renewal license, including motorcycle operator's license, shall be eight dollars ($8.00), except that the fee for a four year combination motor vehicle-motorcycle operator's license shall be fourteen dollars ($14.00)*;

(b) The fee for any instruction permit shall be fifty cents plus fifty cents (50¢) for preparing and acknowledging such application;

(c) The fee for a duplicate license shall be $2.00; and

(d) The fee for a non-driver's identification card shall be $2.00.

(2) The circuit clerk shall deposit in the state treasury to the credit of the general fund except as provided in subsection (f) fees pertaining to applications and license fees in the following manner:

(a) One dollar and seventy-five cents ($1.75) of any original and renewal license, except that the fee for a combination motor vehicle-motorcycle operator's license shall be $3.00;

(b) Fifty cents (50¢) for issuance of any instruction permit;

(c) Fifty cents (50¢) for preparing and acknowledging an application for an instruction permit;

(d) One dollar and twenty-five cents ($1.25) for preparing and acknowledging an application for a duplicate;

(e) One dollar and twenty-five cents ($1.25) for each non-driver's identification card; and

(f) For each *two year* original *or [,] renewal license* [, duplicate license and non-driver's identification card,] fifty cents (50¢) *or for each four year original or renewal license one dollar ($1.00)* shall be credited to a special account within the state road fund and shall be used by the department of transportation exclusively for the purpose of issuing a photo license.

(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the department of transportation.

(4) The photo licenses shall be in use and the procedures prescribed by KRS 186.412 and 186.413 shall be fully implemented by January 1, 1975.

Section 10. KRS 186.535 is amended to read as follows:

(1) From the fee for each *two year* original or renewal operator's license, twenty-five cents (25¢) shall be credited to a special account within the road fund, and shall be used exclusively by the department of transportation for the purpose of expanding the state driver education program, and twenty-five cents (25¢) shall be paid to the fiscal court of the county where the drivers license is issued to be used by the fiscal court for county road purposes.

(2) From the fee for each four year original or renewal operator's license, fifty cent (50¢) shall be credited to a special account within the road fund, and shall be used exclusively by the department of transportation for the purpose of expanding the state driver education program, and fifty cents (50¢) shall be paid to the fiscal court of the county where the driver's license is issued to be used by the fiscal court for county road purposes.

SECTION 11. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Persons whose family names begin with the letters "A" through "K" inclusive and whose operator's, motorcycle or combination license expires during calendar year 1979 or calendar year 1980 shall, during the expiration month, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a two year renewal license, which will expire on his birth month in the year 1981 or 1982, as the case may be, and shall be renewed every four (4) years thereafter during the applicant's birth month. The fee for the two year renewal license issued in 1979 or 1980 shall be four dollars ($4.00), except that the fee for a combination motor vehicle-motorcycle operator's license shall be seven dollars ($7.00). Thereafter, the renewal license fee shall be according to the schedule set forth in KRS 186.531.

(2) Persons whose family names begin with the letters "L" through "Z" inclusive and whose operator's motorcycle or combination license expires during calendar year 1979 or calendar year 1980 shall, during the expiration month, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a four year renewal license, which will expire on his birth month in the year 1983, or 1984, as the case may be, and shall be renewed every four (4) years thereafter during the applicant's birth month. The fee for the four year renewal license shall be according to the schedule set forth in KRS 186.531.

(3) Except as otherwise provides for in subsection (1) of this section, on and after January 1, 1979, all original and renewal operator's, motorcycle and combination licenses shall be renewed every four (4) years during the applicant's birth month.

Section 12. KRS 281.726 is amended to read as follows:

(1) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof has obtained a certificate of the department of transportation to the effect that the driver or chauffeur has met its requirements with respect to his health, vision, sobriety, intelligence, care, ability and experience. Certificates shall expire in the same month as the expiration date of the applicant's operator's license issued pursuant to KRS 186.410.

(2) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof is at least eighteen (18) years of age.

(3) The circuit clerk of each county shall:

(a) Act for the department of transportation for the purpose of issuing certificates and badges referred to in subsections (1) and (4) of this section;

(b) Issue a certificate, when he has determined that the applicant has fully complied with the law governing applications;

(c) Report to the department of transportation not later than the week following that in which the certificates were issued;

(d) Keep adequate records of all moneys collected and remitted to the department of revenue;

(e) Keep in his office at all times available to the department of transportation a record of all certificates issued in his county.

(4) The cost of the certificate shall be as follows: if the applicant's operator's license expires within six (6) months or less, $1.00; if within seven (7) to twelve (12) months, $2.00; if within thirteen (13) to eighteen (18) months, $3.00; and if within nineteen (19) to twenty-four (24) months, $4.00*; if within twenty-five (25) to thirty (30) months, $5.00; if within thirty-one (31) to thirty-six (36) months, $6.00; if within thirty-seven (37) to forty-two (42) months, $7.00; if within forty-three (43) to forty-eight (48) months, $8.00*. These costs shall be paid into the state treasury and credited to the state road fund. The holder of such a certificate, at all times when operating a motor vehicle for hire, shall have the certificate in his possession indicating that he is a certified driver or chauffeur.

(5) The department may, for good cause, upon complaint or upon its own motion revoke or suspend any such certificate, and said person shall be entitled to a hearing before the department of transportation."

Agreed.

Representative B. Richardson moved that **SB 114,** as amended, be passed.

On the roll call the vote was yeas 52-Arnold, Bendl, Benson, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Clapp, Clarke, Craddock, DeFalaise, Deskins, Donnermeyer, Guy, Haering, Head, Hines, Holbrook, Imes, Isler, Jones, Kenton, Kidd, Little, Mann, Marcum, May, McKinney, McNutt, Morris, Noe, Petty, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Schmidt, Siemens, F. Smith, Stone, Tobin, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 31-J. Allen, W. Allen, Beshear, Blandford, Crupper, Davenport, Dawahare, DeMarcus, Fitzgerald, Foster, Gray, Johnson, Layman, Lemaster, Lindsay, List, McBee, Nett, O'Brien, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Sale, R. Smith, Stewart, Thomas, Trevey, Van Horn.

SB 114, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 114,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 71, SB 158, SB 166, SB 198, SB 200, SB 232,** and **SB 287** have been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

Motions, Petitions and Communications

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns it do so by voice vote. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so until 10:30 a.m., Tuesday, March 14, 1978. Agreed.

Representative B. Richardson moved that the vote on the clincher motion on **SB 102** be reconsidered.

On the roll call the vote was yeas 37-W. Allen, Bendl, Beshear, Blythe, Boatwright, Brinkley, DeFalaise, DeMarcus, Deskins, Donnermeyer, Dunn, Fitzgerald, Gray, Hancock, Hurst, Imes, Isler, Jones, Layman, LeMaster, Mann, Marcum, McBee, Noe, Petty, Plummer, Priddy, B. Richardson, Romines, Schmidt, F. Smith, R. Smith, Thomas, Trevey, Van Horn, Wells, Wilborn, Nays 11-Burnette, Gay, Haering, Head, Holbrook, Johnson, Kleier, Rattliff, Riner, Worthington, Wright.

The motion that the vote on the clincher motion on **SB 102** be reconsidered was rejected.

Representative Kenton moved that the vote on the clincher motion on **SB 113** be reconsidered.

Representative Dunn moved that the House adjourn until 10:30 a.m., Tuesday, March 14, 1978.

On the roll call the vote was yeas 15-Beshear, Deskins, Dunn, Head, Holbrook, Kleier, Layman, Marcum, McBee, Plummer, Rattliff, Riner, Romines, Van Horn, Wright. Nays 26-Arnold, Bendl, Blythe, Burnette, Clapp, Donnermeyer, Fitzgerald, Gray, Haering, Hancock, Imes, Isler, Johnson, Kenton, Mann, Noe, Petty, Priddy, Richards, B. Richardson, F. Smith, Thomas, Trevey, Wells, Wilborn, Worthington.

The motion to adjourn was rejected.

On the roll call the vote was yeas 34-Arnold, Bendl, Blythe, Brinkley, Burnette, Clapp, Cyrus, Deskins, Donnermeyer, Dunn, Gray, Hancock, Head, Holloway, Imes, Isler, Johnson, Kenton, Kleier, May, Noe, Petty, Plummer, Priddy, Richards, B. Richardson, Romines, Schmidt, F. Smith, Thomas, Wells, White, Wilborn, Worthington. Nays 14-Beshear, Fitzgerald, Hearing, Holbrook, Layman, Mann, Marcum, McBee, Rattliff, Riner, Siemens, Trevey, Van Horn, Wright.

The motion that the clincher vote on **SB 113** be reconsidered was adopted.

Representative Gray moved that the vote by which **SB 236** was defeated be reconsidered and that it be placed back in Orders of the Day.

On the roll call the vote was yeas 28-Bendl, Blythe, Clapp, DeFalaise, Donnermeyer, Dunn, Fitzgerald, Gray, Hancock, Hines, Imes, Isler, Kenton, Kleier, Mann, McBee, Noe, Petty, Priddy, B. Richardson, Romines, Schmidt, Siemens, F. Smith, Thomas, Trevey, Van Horn, Wilborn. Nays 16-Beshear, Boatwright, Brinkley, Burnette, Deskins, Head, Holbrook, Layman, Marcum, May, Plummer, Rattliff, Richards, Riner, Robinson, Wright.

The motion that the vote be reconsidered on **SB 236** was adopted. Agreed.

Representative B. Richardson moved that no other business be conducted on this day other than Report of Committees. Agreed.

Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

Report of Committees

The Committee on Cities reported **SB 251,** with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 251, AN ACT relating to municipal boundaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 81.230 is amended to read as follows:

Any city of the fifth class may annex any territory to the city or reduce the boundaries of the city, in the same manner and under the same procedure as is provided in KRS 81.100 and 81.110 for annexation of unincorporated territory or reduction of boundaries by cities of the first class, with the following exceptions:

(1) The proceedings in the circuit court shall be tried according to the practice prescribed for the trial of equity cases, without the intervention of a jury.

(2) There shall be no appeal from the judgment of the circuit court.

(3) Whenever a city of the fifth class adopts an ordinance proposing to annex or strike off territory, the city shall notify each resident and freeholder of the territory by regular mail.

Section 2. KRS 81.240 is amended to read as follows:

(1) Any city of the sixth class may annex any territory to the city or reduce the boundaries of the city, in the same manner and under the same procedure as is provided in KRS 81.100 and 81.110 for annexation of unincorporated territory or reduction of boundaries by cities of the first class, with the following exception: The proceedings in the circuit court shall be tried according to the practice prescribed for the trial of equity cases, without the intervention of a jury.

(2) Whenever a city of the sixth class adopts an ordinance proposing to annex or strike off territory, the city shall notify each resident and freeholder of the territory by regular mail.

The Committee Amedment No. 1 to **SB 251** is as follows:

Amend printed copy of **SB 251,** on page 1, line 16, by deleting the words "resident and freeholder" and inserting in lieu thereof the words "property owner"; and on

page 2, line 10, by deleting the words "resident and freeholder" and inserting in lieu thereof the words "property owner".

The Committee Amendment No. 2 to **SB 251** is as follows:

Amend printed copy of **SB 251,** on page 1, line 17, by inserting after line 17 the following:

"(4) The affidavit of the city clerk stating that the notification required in subsection (3) of this section has been mailed and the date of the mailing, attached to a copy of the notification, constitutes prima facie evidence that the notification was made as stated in the affidavit."; and on

page 2, line 11, by inserting after line 11 the following:

"(4) The affidavit of the city clerk stating that the notification required in subsection (3) of this section has been mailed and the date of the mailing, attached to a copy of the notification, constitutes prima facie evidence that the notification was made as stated in the affidavit.".

The Committee on Judiciary-Statutes reported **SB 119,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 119, AN ACT relating to product liability.

WHEREAS, in recent years there has been an increasing public awareness of a need for safer products for the consumer with a resulting increase in the size and number of product liability claims, and

WHEREAS, this dramatic increase of product liability claims is causing an increase in the cost to the consumer of purchasing products, and an increase in the cost of manufacturing, wholesaling, retailing, and insuring said products, and

WHEREAS, a portion of said increased costs is caused by the absence of clear legal precedents and guidelines which govern the rights and liabilities of consumers, manufacturers, wholesalers, retailers, and insurers in the litigation of product liability claims, and

WHEREAS, it is in the interest of the public, consumers, manufacturers, wholesalers, retailers, and insurers, for the General Assembly to codify certain existing legal precedents and to establish certain guidelines which shall govern the rights of all participants in product liability litigation;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:
This Act shall be known as the "Product Liability Act of Kentucky."

SECTION 2. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) As used in this Act, a "product liability action" shall include any action brought for or on account of personal injury, death or property damage caused by or resulting from the manufacture, construction, design, formulation, development of standards, preparation, processing, assembly, testing, listing, certifying, warning, instructing, marketing, advertising, packaging or labeling of any product.

(2) As used in this Act, a "plaintiff" shall mean a person asserting a claim and, if said claim is asserted on behalf of an estate, "plaintiff" shall include plaintiff's decedent.

SECTION 3. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) In any product liability action, it shall be presumed, until rebutted by a preponderance of the evidence to the contrary, that the subject product was not defective if the injury, death or property damage occurred either more than five (5) years after the date of sale to the first consumer or more than eight (8) years after the date of manufacture.

(2) In any product liability action, it shall be presumed, until rebutted by a preponderance of the evidence to the contrary, that the product was not defective if the design, methods of manufacture, and testing conformed to the generally recognized and prevailing standards or the state of the art in existence at the time the design was prepared, and the product was manufactured.

SECTION 4. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) In any product liability action, a manufacturer shall be liable only for the personal injury, death or property damage that would have occurred if the product had been used in its original, unaltered and unmodified condition. For the purpose of this section, product alteration or modification shall include failure to observe routine care and maintenance, but shall not include ordinary wear and tear. This section shall apply to alterations or modifications made by any person or entity, except those made in accordance with specifications or instructions furnished by the manufacturer.

(2) In any product liability action, if the plaintiff performed an unauthorized alteration or an unauthorized modification, and such alteration or modification was a substantial cause of the occurrence that caused injury or damage to the plaintiff, the defendant shall not be liable whether or not said defendant was at fault or the product was defective.

(3) In any product liability action, if the plaintiff failed to exercise ordinary care in the circumstances in his use of the product, and such failure was a substantial cause of the occurrence that caused injury or damage to the plaintiff, the defendant shall not be liable whether or not said defendant was at fault or the product was defective.

SECTION 5. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

In any product liability action, evidence of any alteration, modification, improvement, repair or change in or discontinuance of the manufacture, construction, design, formula, development of standards, preparation, processing, assembly, testing, listing, certifying, warning, instruction, marketing, advertising, packaging, or labeling of a product, whether made by the defendant or any other person or entity after the date of manufacture, shall be admissible in evidence only after the same has been offered to the court in a hearing out of the presence of the jury and the court has ruled that the evidence is relevant and material.

SECTION 6. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

In any product liability action, if the manufacturer is identified and subject to the jurisdiction of the court, a wholesaler, distributor, or retailer who distributes or sells a product, upon his showing by a preponderance of the evidence that said product was sold by him in its original manufactured condition or package, or in the same condition such product was in when received by said wholesaler, distributor or retailer, shall not be liable to the plaintiff for damages arising solely from the distribution or sale of such product, unless such wholesaler, distributor or retailer, breached an express warranty or knew or should have known at the time of distribution or sale of such product that the product was in a defective condition, unreasonably dangerous to the user or consumer.

SECTION 7. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

In any product liability action, the prayer for damages in any pleading shall not recite any sum as alleged damages other than an allegation that damages are in excess of any minimum dollar amount necessary to establish the jurisdiction of the court; provided, however, that all parties shall have the right to advise the trier of fact as to what amounts are fair and reasonable as shown by the evidence.

SECTION 8. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:
If any provision or clause of this Act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

The Committee Amendment to **SB 119** is as follows:

Amend printed copy of **SB 119,** page 5, by deleting lines 16 through 25 in their entirety; and on

page 5, line 26, by renumbering "SECTION 8" as "SECTION 7".

The Committee on Judiciary-Statutes reported **SB 110,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 110, AN ACT relating to pretrial release.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 431.530 is amended to read as follows:

(1) Any person who has been permitted to execute a bail bond in accordance with KRS 431.520(3)(b) shall deposit with the clerk of the court before which the action is pending, a sum of money equal to 10% of the bail, but in no event shall such deposit be less than $10.

(2) Upon depositing said sum *with the clerk*, the defendant shall be released from custody subject to all conditions of release imposed by the court. *The clerk, when the actual cash amount deposited is $5,000 or more, shall place the sum in a depository, where it shall bear interest at the average rate prevailing in the vicinity. The interest so earned, as well as the amount specified in subsection (3) of this section shall be returned to the person making the deposit with the clerk, upon the performance of the conditions of release.*

(3) If the conditions of release have been performed and the defendant has been discharged from all obligations in the action the clerk of the court shall return to the defendant, unless the court orders otherwise, 90% of the sum deposited and shall retain as bail costs 10% of the amount deposited; provided, however, in no event shall the amount retained by the clerk as bail costs be less than $5. It is further provided that the court shall order the clerk of court to pay into the public defender special account any amount of the sum deposited by the defendant, in excess of bail costs, which in its sound discretion represents a reasonable fee for any public defender legal or investigative services provided for the defendant under KRS Chapter 31, but in no event shall the amount so paid to the public defender special account as public defender legal and investigative fees be less than $5 per case. At the request of the defendant the court may order the amount repayable to defendant from such deposit to be paid to defendant's attorney of record.

(4) If a final judgment for a fine and court costs or either is entered in the prosecution of an action in which a deposit has been made in accordance with subsection (1) of this section, the balance of such deposit, after deduction of bail costs and public defender fees as provided for in subsection (3) of this section, shall be applied to the satisfaction of the judgment.

Section 2. KRS 431.535 is amended to read as follows:

(1) Any person who has been permitted to execute a bail bond in accordance with KRS 431.520(3)(c) may secure such bond:

(a) By a deposit, with the clerk of the court, of cash, or stocks and bonds in which trustees are authorized to invest funds under the laws of this Commonwealth having an unencumbered market value of not less than the amount of the bail bond; or

(b) By real estate situated in this Commonwealth with unencumbered equity, not exempt and owned by the defendant or a surety or sureties having a fair market value at least double the amount of the bail bond.

(c) The clerk, when the actual cash amount deposited is $5,000 or more, shall place the sum in a depository, where it shall bear interest at the average rate prevailing in the vicinity. The interest so earned, as well as the amount specified in subsection (6) of this section shall be returned to the person making the deposit with the clerk, upon the performance of the conditions of release.

(2) If the bail bond is secured by stocks and bonds the defendant or the surety or sureties shall file with the bond a sworn schedule which shall be approved by the court and shall contain:

(a) A list of the stocks and bonds deposited describing each in sufficient detail that they may be identified;

(b) The present market value of each stock and bond;

(c) The total market value of the stocks and bonds listed;

(d) A statement that the affiant or affiants is the sole owner or owners thereof and that the stocks and bonds listed are not exempt from execution;

(e) A statement that such stocks and bonds have not previously been deposited or accepted as bail in this Commonwealth during the 12 months preceding the date of the bail bond; provided however this statement shall not be required of the defendant using his own property as security; or if the surety or sureties using their property as security are related to the defendant by consanguinity no further removed than first cousin; or if the surety or sureties is either a father-in-law, mother-in-law, son-in-law or daughter-in-law of the defendant; and

(f) A statement that such stocks and bonds are security for the appearance of the defendant in accordance with the conditions of release imposed by the court.

(3) If the bail bond is secured by real estate the defendant or surety or sureties shall file with the bond a sworn schedule which shall contain:

(a) A legal description of the real estate;

(b) A description of any and all encumbrances on the real estate including the amount of each and the holder thereof;

(c) The market value of the unencumbered equity owned by the affiant or affiants;

(d) A statement that the affiant is the sole owner, or in the case of jointly owned real estate, that affiants are the sole owners of such unencumbered equity and that it is not exempt from execution;

(e) A statement that the real estate has not previously been used or accepted as bail in this Commonwealth during the 12 months preceding the date of the bail bond; provided however this statement shall not be required of the defendant using his own property as security; or if the surety or sureties using their property as security are related to the defendant by consanguinity no further removed than first cousin; or if the surety or sureties is either a father-in-law, mother-in-law, son-in-law or daughter-in-law of the defendant; and

(f) A statement that the real estate is security for the appearance of the defendant in accordance with the conditions of release imposed by the court.

(4) The sworn schedule shall constitute a material part of the bail bond. An affiant shall be subject to penalty of perjury if in the sworn schedule he makes a false statement which he does not believe to be true.

(5) A certified copy of the bail bond and schedule of real estate accompanied by the necessary recording fee which shall be paid by the affiant or affiants shall be filed immediately by the clerk of the court requiring the bail bond in the office of the county court clerk of the county in which the real estate is situated. The county court clerk shall record such copies of said bail bonds and schedule and the Commonwealth shall have a lien upon such real estate from the date and time of such recordation. The instruments described herein shall be recorded in the Miscellaneous Encumbrances Book provided by the county court clerk.

(6) If the conditions of release imposed by the court have been performed and the defendant has been discharged from all obligations in the action, the clerk of the court shall return to him or his sureties the deposit of any cash, stocks or bonds. If the bail bond has been secured by real estate the clerk of the court requiring the bail bond shall forthwith notify in writing the county court clerk of the county where the real estate is situated and the lien on the real estate shall be discharged and the release thereof recorded in the margin.

The Committee Amendment to **SB 110** is as follows:

Amend printed copy of **SB 110,** page 2, line 1, by adding after the word "defendant" " ["

and on page 2, line 3, by adding after the word "of" "]" and by adding after the word "deposited" "["

and on page 2, line 14, by adding after the word "case" "]"

and on page 2, line 20, by adding after the word "which" the following: "*money has been deposited as bail by the defendant himself,* ["

and on page 2, line 21, by adding after the words "balance of" "]" and by adding after the word "deposit" " ["

and on page 2, line 23, by adding after"," "]"

and on page 2, line 24, by deleting the "." and inserting in lieu thereof the following: "*and any balance remaining shall be returned to the defendant.*

(5) When money is deposited as bail by a person other than the defendant and the defendant has performed the conditions of release and has been discharged from all obligations in the action the court shall return the full amount deposited to the surety. The court shall not order the money paid to any person or agency other than the surety or his legal representative."

and on page 6, after line 22, by adding new sections which read as follows:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO READ AS FOLLOWS:

The clerk of the court shall collect a fee of five dollars ($5.00) for taking, copying or recording any bail bond. This payment shall be in lieu of the amount required to be paid to the clerk under KRS 64.005, and shall not be collected from defendants who are to be released on personal recognizance. The money so collected by the clerk shall be deposited in the general fund of the state treasury.

Section 4. KRS 64.005 is amended to read as follows:

(1) The clerks of the Supreme Court, the Court of Appeals [and] the circuit courts *and the district courts* shall collect a fee of two dollars ($2.00) for taking, copying or recording any bond *except bail bonds, the fee for which shall be governed by section 1 of this Act.*

(2) Such fee shall be deposited in the general fund of the state treasury.

Section 5. KRS 454.185 is amended to read as follows:

(1) The surety in every bond provided for by any statute derived from the former Civil Code, or by the Rules of Civil Procedure must be a resident of this state, and be worth double the sum to be secured beyond the amount of his debts, and have property liable to execution in this section equal to the sum to be secured. If there *are* [be] two (2) or more sureties in the same bond they must, in the aggregate, have the qualifications prescribed in this section.

(2) Qualifications of sureties for bail bonds in criminal cases shall be governed by the Rules of Criminal Procedure.

Section 6. KRS 431.531. State of collections to be filed— funds to be sent to state treasury— Certification of amounts and publication of annual audit by administrative office of the courts— is repealed."

The Committee on Judiciary-Statutes reported **SB 268** and **SB 270** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Consent Calendar.

SB 268, AN ACT relating to the appointment of successor testamentary trustees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 395 IS CREATED TO READ AS FOLLOWS:

A testamentary trustee now or hereafter serving under a will that does not nominate a successor trustee shall have the power to designate his successor by written verified motion, subject to the approval of the court, in a hearing held not less than five (5) days after written notice of such hearing has been mailed by certified mail to each income beneficiary of the trust who is a resident of Kentucky; and once the motion designating such successor trustee is approved, the same shall not be revoked except for the reasons set out in KRS 395.160. Such successor trustee may qualify at any time and will immediately take office at the resignation or death of the acting trustee.

SB 270, AN ACT relating to wrongful death.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 411.130 is amended to read as follows:

(1) Whenever the death of a person results from an injury inflicted by the negligence or wrongful act of another, damages may be recovered for the death from the person who caused it, or whose agent or servant caused it. If the act was willful or the negligence gross, punitive damages may be recovered. The action shall be prosecuted by the personal representative of the deceased.

(2) The amount recovered, less funeral expenses and the cost of administration and costs of recovery including attorney fees, not included in the recovery from the defendant, shall be for the benefit of and go to the kindred of the deceased in the following order:

(a) If the deceased leaves a *surviving spouse* [widow or husband], and no children or their descendants, then the whole to the *surviving spouse* [widow or husband].

(b) If the deceased leaves a *surviving spouse* [widow] and children [or a husband and children], then one-half (1/2) to the *surviving spouse* [widow or husband] and the other one-half (1/2) to the children of the deceased.

(c) If the deceased leaves a child or children, but no *surviving spouse* [widow or husband], then the whole to the child or children.

(d) If the deceased leaves no *surviving spouse* [widow, husband] or child, then the recovery shall pass to the mother and father of the deceased, one (1) moiety each, if both are living; if the mother is dead and the father is living, the whole thereof shall pass to the father; and if the father is dead and the mother living, the whole thereof shall go to the mother. In the event the deceased was an adopted person, "mother" and "father" shall mean the adoptive parents of the deceased.

(e) If the deceased leaves no *surviving spouse* [widow, husband] or child, and if both father and mother are dead, then the whole of the recovery shall become a part of the personal estate of the deceased, and after the payment of his debts the remainder, if any, shall pass to his kindred more remote than those above named, according to the law of descent and distribution.

The Committee on Education reported **SB 32, SB 22,** and **SB 219** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Consent Calendar.

SB 32, AN ACT relating to civil service for non-instructional employes of boards of education of cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.990 is amended to read as follows:

(1) Any person who willfully violates any provisions of KRS 161.162 or 161.164, shall be confined in jail for not less than thirty (30) days nor more than six (6) months.

(2) Any teacher or employe of a district board of education who willfully violates any provision of KRS 161.162 or 161.164 shall be ineligible for employment in the common schools for a period of five (5) years.

(3) Any person who violates any of the provisions of KRS 161.190 shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

(4) Any teacher who violates any of the provisions of subsection (2) of KRS 161.210 shall be subject to a fine of fifty dollars ($50) and upon conviction his certificate shall be revoked.

(5) A violation of any of the provisions of KRS 161.661 or KRS 161.690 is a misdemeanor and upon conviction shall be punished by a fine of not more than five thousand dollars ($5,000).

[(6) Any person charged with the administration of KRS 161.821 to 161.837 who shall violate any of the provisions thereof, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty dollars ($50) nor more than one thousand dollars ($1,000).]

Section 2. KRS 161.821, 161.822, 161.823, 161.824, 161.825, 161.826, 161.827, 161.828, 161.829, 161.830, 161.831, 161.832, 161.833, 161.834, 161.835, 161.836, and 161.837 are hereby repealed.

SB 22, AN ACT relating to certified school personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.380 is amended to read as follows:

All appointments, promotions and transfers of *certified personnel* [principals, supervisors, teachers] and other public school employes, *unless otherwise provided for by statute,* shall be made only upon the *written* recommendation of the superintendent of schools, subject to the approval of the board. If the board of education cannot agree with the superintendent as to any legally qualified person recommended by the superintendent, the board of education may appeal to the state board of education to review the case and the decision of the state board of education shall be final. All employes of the board shall have such qualifications as are prescribed by law and by the regulations of the state board of education and of the employing board. *Certified personnel* [Supervisors, principals, teachers] and other employes may be appointed by the board of education for any school year at any time after February 1 next preceding the beginning of the school year.

SB 219, AN ACT relating to attendance records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.200 is amended to read as follows:

*(1)*Each teacher in the public schools shall keep an approved record which shall be left with the superintendent or as he directs at the close of the term. The record shall show the program of recitations, classification, attendance and grading of all pupils who attended school at any time during the school year, and such other facts as are required.

(2) Notwithstanding the provisions of subsection 1, approved pupil attendance records, for state accounting purposes and for the purpose of state computation of pupil attendance, may be kept in a central location in the local elementary or secondary school. After attendance is reported and recorded by the classroom teacher, either a certified or non-certified person shall complete and check records in accordance with the methods and regulations approved by the superintendent of the local school district and the state superintendent of public instruction. A designated certified person within the local elementary or secondary school shall be responsible for auditing and certifying state attendance documents to verify their accuracy.

The Committee on Education reported **SJR 33, SB 16,** and **SB 48** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SJR 33, A JOINT RESOLUTION directing the Council on Higher Education in conjunction with the Legislative Research Commission to study the status of the Commonwealth in federally funded scientific research and development.

WHEREAS, a report commissioned by the Kentucky Department of Commerce entitled "Federal Research and Development Funding in Kentucky" has revealed that Kentucky ranked last among the states in federal dollars coming back to the state for scientific research and development; and

WHEREAS, a similar report by the Midwestern Research Institute has also ranked Kentucky low in both overall quality of life and its level of science and technology; and

WHEREAS, neither report explained why Kentucky ranks so low in federally funded research and development;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Council on Higher Education in conjunction with the Legislative Research Commission and involving the Kentucky Academy of Science is hereby directed to conduct a study of the status of federally funded research and development in the Commonwealth.

Section 2. The study shall determine the cause of Kentucky's low ranking among the states and make recommendations relating to the improvement of Kentucky's position.

Section 3. The study along with any recommendations shall be reported to the members of the General Assembly not later than June 1, 1979.

Section 4. Staff services to be utilized in completing this study are estimated to cost $10,000. These staff services shall be provided from the regular budgets of the Council on Higher Education and the

Legislative Research Commission and are subject to the limitations and other research responsibilities of these agencies.

SB 16, AN ACT relating to school board members.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.180 is amended to read as follows:

(1) No person shall be eligible to membership on a board of education:

(a) Unless he has attained the age of twenty-four (24) years; and

(b) Unless he has been a citizen of Kentucky for at least three (3) years preceding his election and is a voter of the district for which he is elected; and

(c) Unless he has completed at least the eighth grade in the common schools as shown by the records of the school in which the eighth grade was completed or by affidavits of the teacher or teachers under whom the work was completed, or unless he has the equivalent of an eighth grade education as determined by an examination held under rules and regulations adopted by the state board of education; or

(d) Who holds a state office requiring the constitutional oath or is a member of the General Assembly; or

(e) [(d)] Who holds or discharges the duties of any civil or political office, deputyship or agency under the city or county of his residence; or

(f) [(e)] Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery or any other property, materials, supplies, equipment or services for which school funds are expended; or

(g) [(f)] Who has been removed from membership on a board of education for cause.

(2) If, after the election of any member of the board, he becomes interested in any contract with or claims against the board, of the kind mentioned in paragraph (e) of subsection (1) of this section, or becomes a candidate for nomination or election to any office or agency the holding and the discharging of the duties of which would have rendered him ineligible before election, or if he moves his residence from the district for which he was chosen, or if he does anything that would render him ineligible for re-election, *he shall be subject to removal from office pursuant to KRS 415.050 and 415.060* [his office shall without further action be vacant].

(3) A board member shall be eligible for re-election unless he becomes disqualified.

(4) No member of a board of education shall vote regarding the appointment or employment in any capacity of any person related to him as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law or first cousin, and the majority vote of the remainder of the board is required in case of appointment or employment of such person.

SB 48, AN ACT relating to educational television.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 168.020 is amended to read as follows:

As used in KRS 168.010 to 168.100, the following words and terms have the following meanings, unless in any instance, the context shall clearly indicate another meaning, in which event the context shall be controlling:

(1) "Authority" means the Kentucky authority for educational television;

(2) "Board" means the state board of education;

(3) "Department" means the state department of education;

(4) "Public schools" means the state-supported schools of the elementary and secondary levels, as defined in KRS 157.320;

(5) "Commission" means the state property and buildings commission of Kentucky;

(6) "Council" means the council on public higher education in Kentucky;

(7) "University of Kentucky" means the University of Kentucky as one (1) entity, including its present and future extensions;

(8) "State colleges and universities" means and includes Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Western Kentucky University, and the University of Louisville; but does not include any present or future state supported junior colleges, unless by statute the same are given representation on the council;

(9) "Educational television" means and includes the production of television programs, the filming or

taping thereof, the purchase or lease of filmed or taped programs produced by others, and the transmission or relaying of them for utilization:

(a) *Which may be used* in aid of education in the public schools *and state-supported institutions of higher education*, and

(b) For limited and incidental use in furtherance of other proper public functions;

(10) "Television facilities" means and includes sites, buildings, structures, machinery, equipment and installations, each with necessary or appropriate appurtenances, used or useful in the furtherance of educational television;

(11) "Related functions" or "related services" means and includes the use of facilities operated or leased by the authority, or which may be added or connected to such facilities as permitted by applicable statutes, and to prepare, transmit, or enable the exchange of nontelevision programs, services or functions for and among the public schools, state-supported institutions of higher education, and other state agencies

(a) In aid of education and

(b) For use in other proper public functions; Provided, however, That such related functions or related services may include, but are not limited to, the following examples: computer-assisted instruction, data for teaching or administrative purposes, and educational noncommercial radio;

(12) "Related facilities" means and includes sites, buildings, structures, machinery, equipment and installations, each with necessary or appropriate appurtenances, used or useful in the furtherance of related functions or services.

The Committee on State Government reported **HCR 85,** with Committee Title Amendment attached thereto, and **HR 121** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HCR 85, A CONCURRENT RESOLUTION regarding Mammoth Cave National Park.

WHEREAS, Mammoth Cave National Park is a great asset to the people of south central Kentucky and a prime recreational area for all people of the Commonwealth and the Nation; and

WHEREAS, the old Mammoth Cave Hotel is a significant and historical landmark which has come to be identified with the Mammoth Cave National Park; and

WHEREAS, the National Park Service of the U.S. Department of Interior, has announced plans to raze the old Mammoth Cave Hotel as part of its master plan for the Mammoth Cave National Park; and

WHEREAS, the people of south central Kentucky are opposed to razing this familiar and historic edifice;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the House of Representatives requests the governor of the Commonwealth to intervene and to take all steps necessary to save the old Mammoth Cave Hotel from destruction; and to investigate the feasibility of the state taking over and operating Mammoth Cave National Park as a state park.

Section 2. That the Clerk be directed to transmit a copy of this resolution to the Governor.

The Committee Title Amendment to **HCR 85** is as follows:

Amend printed copy of **HCR 85,** page 1, the title by deleting the word "concurrent".

Amend resolving clause by deleting ", the Senate concurring therein".

HR 121, A RESOLUTION commending the University of Kentucky, University of Louisville, and Western Kentucky University basketball team for reaching the NCAA basketball tournament.

WHEREAS, the National Collegiate Athletic Association basketball tournament represents the pinnacle of collegiate basketball competition in the United States; and

WHEREAS, the University of Kentucky, University of Louisville and Western Kentucky University basketball teams all will be competing and representing Kentucky in this prestigious event; and

WHEREAS, the appearance of three teams in the tournament clearly shows that Kentucky is the premiere basketball state in all the nation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby commend and extend heartfelt wishes for success in the NCAA basketball tournament to the University of Kentucky, University of Louisville and Western Kentucky University basketball teams.

Section 2. That the Clerk be directed to transmit copies of this resolution to the athletic directors of the three schools.

The Committee on State Government reported **SB 148** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on State Government reported **SB 193, SB 289, SB 317,** and **SB 334** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 193, AN ACT relating to per diem compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 15.705 is amended to read as follows:

(1) For the purpose of administration of the unified prosecutorial system, there is hereby created the prosecutors advisory council, hereafter referred to as the council.

(2) The council shall consist of nine (9) members who shall be residents of Kentucky and shall include the attorney general; three (3) commonwealth's attorneys, one (1) from counties containing a first or second class city or an urban county government, one (1) from counties containing a third class city, and one (1) from the other counties, each of whom shall be appointed by the governor from a list of three (3) names for each commonwealth's attorney position submitted by the commonwealth's attorneys association; and three (3) county attorneys, one (1) from counties containing a first or second class city or an urban county government, one (1) from counties containing a city of the third class, and one (1) from the other counties, each of whom shall be appointed by the governor from a list of three (3) names for each county attorney position submitted by the county attorneys association and two (2) non-attorney citizen members. The attorney general shall serve during his term of office and the other members shall serve at the pleasure of the governor.

(3) The attorney general shall be the chairman of the council. Five (5) members shall constitute a quorum for the conduct of business. The council shall promulgate annually a schedule of meetings. Special meetings may be called by the chairman or five (5) members of the council. A minimum of ten (10) days notice must be given prior to the call of a special meeting. Such a notice may be waived by a majority of the council.

(4) The council shall be responsible for, but not limited to, the preparation of the budget of the unified prosecutorial system of the Commonwealth of Kentucky and the continuing legal education and program development of the unified prosecutorial system of Kentucky.

(5) Each *non-attorney citizen* member of the council shall receive *twenty-five dollars ($25) per day for attending each meeting. All council members* [no additional compensation for his service on the council but] shall be reimbursed for actual expenses incurred in the performance of his duties.

Section 2. KRS 16.050 is amended to read as follows:

(1) The commissioner shall appoint or promote to the ranks and grades and positions of the bureau such officers as are considered by him to be necessary for the efficient administration of the bureau. Notwithstanding the provisions of KRS 64.640, such officers shall receive the compensation fixed by the commissioner and approved by the governor; but the same shall reasonably conform to the standards established by the department of personnel.

(2) All initial appointments of officers to the bureau shall be made for merit and fitness after a competitive examination.

(3) There is created a state police personnel board consisting of the commissioner and four (4) other members to be appointed by the governor, two (2) to be appointed from each of the two (2) major political parties.

(4) The initial appointment of members of the board shall be for terms of one (1), two (2), three (3) and four (4) years. Thereafter each appointment shall be for a term of four (4) years, except that a person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term.

(5) Members of the board may be removed by the governor only for cause, after being given a copy of charges against them and an opportunity to be heard publicly on such charges before the Governor.

(6) The board shall elect one (1) of its members chairman. It shall meet at such time and place as shall be specified by call of the commissioner. Three (3) members shall constitute a quorum for the transaction of business. Members of the board other than the commissioner shall receive compensation of *fifty dollars ($50)* [twenty-five dollars ($25)] and reimbursement of travel expenses for each meeting of the board which they attend.

(7) The board shall make rules and regulations to carry out the purposes herein, which shall include provisions for:

(a) Open competitive examination as to fitness of applicants for employment as officers;

(b) Establishment of eligible lists as a result of such competitive examinations, from which lists, vacancies shall be filled.

(8) The board shall hear appeals from applications for employment for which examinations are being given or have been conducted and from eligibles on examination registers subject to the procedural rules which the board may adopt pursuant to the provisions of this section.

Section 3. KRS 18.160 is amended to read as follows:

(1) There shall be created by KRS 18.110 to 18.360 a department of personnel headed by a commissioner who shall be appointed by the governor. There shall also be created a personnel board in which shall be vested the constitutional powers and responsibilities of officers of the Commonwealth. The personnel board shall consist of five (5) members appointed by the governor for four (4) year terms, and the governor shall select citizens of Kentucky known for their devotion to the merit principle in government employment and the improvement of management and professional development of the public service of the state. No member of the personnel board shall be otherwise an employe or officer of the Commonwealth except faculty or staff members of the state universities or colleges. No member of the personnel board shall be a member of any local, state, or national committee of a political party, or an officer or member of a committee in any partisan political club or organization, or shall be or have been a candidate for any elective office within one (1) year prior to appointment. Members of the personnel board shall receive compensation of *sixty-five dollars ($65)* [fifty dollars ($50)] per diem and reimbursements of travel expenses and other special expenses for each called meeting of the board which they attend. If any board member misses three (3) consecutive meetings for any reason other than illness or temporary absence from the Commonwealth, he shall be deemed to have vacated his office and the governor shall proceed forthwith to appoint a successor to his unexpired term.

(2) The members of the first board shall be appointed by the governor within thirty (30) days of July 1, 1960. Of the members first appointed, one (1) shall serve until January 1, 1961, one (1) until January 1, 1962, one (1) until January 1, 1963, and two (2) until January 1, 1964. Thereafter, each term shall run for four (4) years from the date of expiration of the term for which his predecessor was appointed, except that a person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the remainder of the term. Each member of the board shall hold office until his successor is appointed and qualifies.

(3) Members of the personnel board may be removed by the governor only for cause after being given a copy of charges against them and an opportunity to be heard publicly, with the advice of counsel, on such charges against them before the governor and a finding of fact by the governor. A copy of the charges and transcript of the record of the hearing and findings of fact shall be filed with the secretary of state.

(4) The personnel board shall annually elect one (1) of its members chairman. It shall meet at such time and place as shall be specified by call of the chairman or the commissioner of personnel. At least one (1) meeting shall be held each month. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each member by the commissioner of personnel at least three (3) days in advance of the meeting. Three (3) voting members shall constitute a quorum for the transaction of business. The personnel board shall keep records and minutes of its business and official actions, with the commissioner of personnel serving as secretary. Such minutes shall be public records open to public inspection, subject to such reasonable rules as to hours and conditions of inspection as the board may establish. It shall be the duty of the officer or officers charged by law with the custody of the state buildings, upon written request of the personnel board, to assign suitable office space for executing the duties charged to it and to the commissioner of personnel.

SECTION 4. A NEW SECTION OF KRS CHAPTER 18 IS CREATED TO READ AS FOLLOWS:

No state officer or employe who is required by statute or regulation to serve on any board, commission or other body in an official capacity shall receive a per diem salary for the attendance of meetings or performance of services.

Section 5. KRS 121.110 is amended to read as follows:

(1) There is hereby created as an independent agency of state government a Kentucky registry of election finance. The registry shall be composed of five (5) members appointed by the governor as provided herein. The registry shall remain independent of any other agency or department of state government.

(2) Two (2) members shall be appointed from each of the two (2) political parties that polled the largest vote in the last preceding election for state officers or presidential electors. The state central committees of the two (2) parties shall each submit a list of three (3) names to the governor and the appointments shall be made from these lists. The list shall be submitted on or before July 15, following June 16, 1966, and at the same time every four (4) years thereafter. The members shall take office on August 15 succeeding the submission of the list and serve for a term of four (4) years or until their successors are appointed and qualified.

(3) The appointed members shall within thirty (30) days after qualifying and assuming office submit a list of two (2) persons from which the governor within thirty (30) days from its receipt shall appoint the fifth member, who shall serve as chairman. The term of the fifth member shall end on the same day as the terms of the appointed members. The chairman shall preside at all meetings and shall have all the powers and privileges of the other members.

(4) In the event of a vacancy in the office of any member appointed from the list furnished by a political party, the vacancy shall be filled from a list of three (3) submitted by the state central committee of the party to which that member belonged. In the event of a vacancy in the office of chairman, the appointment shall be made in the same manner as the original appointment. All appointments to fill a vacancy shall be for the unexpired term or until a successor is appointed and qualified.

(5) The list to be submitted to the governor for the office of chairman, or to fill a vacancy in that office, shall not be compiled at a time when a vacancy exists in any of the other four (4) offices.

(6) The members of the registry shall be at least twenty-five (25) years of age and shall be registered voters of Kentucky.

(7) The registry shall fix the place and time of its regular meetings by order duly recorded in its minutes. No action shall be taken without a quorum present. Special meetings shall be called by the chairman on his own initiative or on the written request of two (2) members. Members shall receive seven (7) days' written notice of a special meeting and the notice shall specify the purpose, time and place of the meeting, and no other matters may be considered, without a specific waiver by all the members.

(8) The members of the registry shall receive *sixty-five dollars ($65)* [$25] per diem, and shall be reimbursed for all reasonable and necessary expenses.

Section 6. KRS 147B.035 is amended to read as follows:

The council may disburse any and all funds appropriated by the general assembly, or received from any state agency, and may apply for, receive and disburse funds from the federal government or any public or private agency or organization for purposes of carrying out the provisions of KRS 147B.010 to 147B.035. The office of business development and government services may recover the cost of its services to the council, including any employe expense properly attributable thereto. *The executive director and council members shall receive twenty-five dollars ($25) per day for attendance at each meeting and* [, provided, however, that neither council members nor the executive director shall be entitled to compensation for their services on or for the council, but] shall be entitled, subject to the provisions of KRS 45.180 and the state travel regulations, to reimbursement for all actual and necessary expenses incurred in connection with the performance of their duties.

Section 7. KRS 154.320 is amended to read as follows:

(1) The commission shall consist of the commissioner of commerce and five (5) citizens chosen by the governor from each of the districts created in KRS 154.321. The citizen members shall be appointed for original terms of one (1), two (2), three (3), and four (4) years. Their successors shall be appointed for a term of four (4) years and each shall be eligible for reappointment. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

(2) A majority of the members shall constitute a quorum for the purpose of organizing the commission and conducting the business thereof. The members shall elect a chairman from the five (5) citizen members and the executive director shall serve as secretary. Meetings may be called by the chairman or at the request of three (3) or more members.

(3) *Citizen* members of the commission shall [not] receive *twenty-five dollars ($25) per day for attendance at each meeting. All commission members* [any compensation for their services as members, but] shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members of the commission.

(4) Any members of the commission may be removed by the governor for inefficiency, neglect of duty, malfeasance, or conflict of interest. The governor shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next commission meeting, which shall be open to the general public. The member so removed shall have the right of appeal to the Franklin circuit court.

Section 8. KRS 156.060 is amended to read as follows:

A majority of the board shall constitute a quorum for the transaction of business. The board shall meet not less than every three (3) months and at such other times as it may be called as provided in this section. Special meetings of the board may be called by the chairman, and upon written request of two (2) members the chairman shall call a special meeting of the board to be held not later than twenty (20) days following receipt of the written request. The chairman shall give notice through the secretary by registered mail or by certified mail, return receipt requested to each member of the board at least ten (10) days prior to the time of any meeting, unless all members of the board waive notice in writing. The offices of the board shall be at the seat of government in the department of education and shall be provided by the state. Members of the board may receive a per diem of *sixty-five dollars ($65)* [twenty-five dollars ($25)] for each regular or special meeting attended and actual expenses for attending meetings, and may be reimbursed for other actual and necessary expenditures incurred in the performance of their duties authorized by the board. The per diem and expenses shall be paid out of the appropriation for the state board *for elementary and secondary* [of] education.

Section 9. KRS 164.050 is amended to read as follows:

The members of the council shall *receive sixty-five dollars ($65) per day for each council meeting attended and* [serve without pay, but] shall be reimbursed for their necessary traveling and other expenses while attending the meetings of the council. Each institution shall pay the expenses of its own representatives. The expenses of the members of the state board of education and of the superintendent of public instruction shall be paid by the state in the same manner as their other traveling expenses are paid.

Section 10. KRS 165A.340 is amended to read as follows:

(1) There is hereby established a state board for proprietary education which shall consist of eleven (11) voting members to be appointed by the governor as follows:

(a) Three (3) members appointed from a list of names submitted by the Kentucky association of independent business schools;

(b) Three (3) members representative of proprietary schools other than business colleges;

(c) Five (5) members representative of the public at large;

(d) In addition, the executive director of the state postsecondary education commission shall serve as a non-voting member.

(2) Upon expiration of each of the respective terms of the members first appointed, the term of each successor shall be four (4) years or until his successor shall be appointed and qualified. At the time of the original appointments, the terms of board members will be staggered so that, as nearly as mathematically possible, they fall into three (3) classes. The first class will have two-year terms; the second class will have three-year terms; and the third class will have four-year terms.

(3) Members of the board shall annually elect one (1) of their number as chairman and the board is authorized to employ and fix the compensation of the director and to employ and fix the compensation of all personnel required by it for the administration of the provisions of this chapter. The board shall have the power to make all rules and regulations including the establishment of fees and other charges, consistent with the provisions of this chapter, as may be necessary to carry out the provisions and purposes of this chapter.

(4) The board shall hold meetings at least four (4) times a year and as frequently as it deems necessary at such times and places as the board may designate and the majority of the members shall constitute a quorum.

(5) The board may sue and be sued in its own name.

(6) The members of the board shall receive *fifty dollars per day for each meeting attended and* [no compensation for their services but] may be paid their travel and other expenses while employed upon the business of the board.

(7) The board shall administer the provisions of law pertaining to the conduct, operation, maintenance and establishment of proprietary education institutions, and the activities of agents thereof when acting as such.

Section 11. KRS 168.090 is amended to read as follows:

(1) Members of the authority who are otherwise compensated by the Commonwealth on a full time basis shall receive no additional compensation as members of the authority, or for attendance at meetings. Members who are not otherwise compensated by the Commonwealth on a full time basis shall receive a per diem of *fifty dollars ($50)* [$10] for attendance at each meeting, including reasonable travel time necessarily required.

(2) All members may be reimbursed for actual travel and other proper expenses according to reasonable rules and regulations of the authority. The scope of travel shall not be limited to the confines of the Commonwealth; but may extend to any place outside the Commonwealth if specifically authorized by the authority by motion, resolution or directive reciting the occasion, necessity, and persons authorized to travel.

Section 12. KRS 171.240 is amended to read as follows:

(1) In the department of library and archives there shall be a state board for the certification of librarians, composed of the director of the department of library and archives and five (5) members appointed by the governor from a list submitted by the board of directors of the Kentucky library association. Two members shall be full-time professional librarians in active public library work, two shall be public library trustees and one shall be a professional librarian from a department or school of library science in a state university.

(2) The term of office of each appointive member shall be four (4) years. The first appointive member of the board shall be appointed for terms beginning July 1, 1938; one for a term of one (1) year; one (1) for a term of two (2) years; one (1) for a term of three (3) years; and two (2) for terms of four (4) years. Vacancies shall be filled by appointment for the unexpired terms in the same manner as original appointments are made. The members shall receive *twenty-five dollars ($25) per day for each meeting attended and reimbursement for* [no compensation except] actual and necessary expenses, incurred in attending meetings.

(3) The board shall hold at least one (1) meeting each year at a time fixed by the board, and such special meetings as may be determined by the board. A chairman and secretary shall be elected at each annual meeting to serve during the ensuing year.

Section 13. KRS 171.381 is amended to read as follows:

(1) There is established the Kentucky heritage commission as a separate administrative body of state government within the meaning of KRS chapter 12.

(2) The commission shall be dedicated to the preservation and protection of all meaningful vestiges of Kentucky's heritage for succeeding generations, and in pursuit of this dedication it shall engage in and concern itself with worthy projects and other matters related to the conservation and continuing recognition of buildings, structures, sites, and other landmarks associated with the archeological, cultural, economic, military, natural, political, or social aspect of Kentucky's history.

(3) The membership of the commission shall consist of not more than thirty (30) members each of whom shall have manifested an interest in the history of the Commonwealth and the preservation of its heritage. They shall be appointed by the governor and shall serve at the governor's will during his incumbency and until each member's successor is appointed. From the commission's membership the governor shall appoint a chairman and a vice-chairman of the commission. The commission may elect by majority vote, other officers deemed necessary by the commission. It shall meet at the call of the chairman, but at least twice during each calendar year. A majority of the members shall constitute a quorum. From the commission's membership the governor shall name three (3) members who, along with the commission's chairman and vice-chairman shall serve as the executive committee. The executive committee shall be responsible for the execution of duties and functions assigned to the commission.

(4) The duties and functions of the commission shall be to:

(a) Review and recommend appropriate projects and programs to insure the proper recognition, preservation, and protection of matters related to Kentucky's heritage, particularly those in the nature of or associated with real property.

(b) Advise, consult, and cooperate generally with state, local, and national officials and agencies to accomplish the purposes to which the commission is dedicated, and specifically with the Kentucky department of parks and historical society in matters of common concern.

(c) Encourage, promote, and coordinate historic preservation programs being conducted in Kentucky by other agencies or groups, public and private.

(d) Prepare and maintain an inventory or survey of Kentucky's resource of historic buildings, sites, structures, and other landmarks, and list in an official roll those such landmarks which possess statewide or national significance.

(5) The commission may:

(a) Accept grants or other funds or property from any available source, public or private.

(b) Employ, with the approval of the governor, such staff as may be necessary. Any member of such staff shall be entitled to compensation under KRS chapter 18, and may be reimbursed for necessary and actual expenses in accordance with the provisions of KRS chapters 44 and 45.

(c) Enter into such contractual relationships as may be necessary.

(d) Acquire real property, by gift or devise or by purchase pursuant to the provisions of KRS 45.360, and hold the same in the name of the Commonwealth for the use and benefit of the commission.

(e) Initiate its own projects of an appropriate nature, and undertake or otherwise engage in joint projects with other agencies or groups, public or private.

(f) Adopt such rules and regulations as may be necessary and incidental to the performance of the commission's duties and functions.

(6) Members of the commission shall *receive twenty-five dollars ($25) per day for each meeting attended and* [serve without compensation, but] may be reimbursed in accordance with the provisions of KRS chapters 44 and 45 for actual and reasonable expenses incurred in the furtherance of the commission's activities.

(7) The receipt, control, and expenditure of funds shall be subject to the general provisions of the Kentucky Revised Statutes governing financial administration of all state agencies.

(8) No provision of this section shall be construed as repealing any of the laws of the Commonwealth relating to the preservation, protection, and recognition of historical matters, but shall be held and construed as ancillary and supplemental thereto.

Section 14. KRS 173.810 is amended to read as follows:

(1) The Kentucky state advisory council on libraries is hereby created and shall be composed of twenty-one (21) members, appointed by the governor for a term of four (4) years, except that of the twenty-one (21) members initially appointed, six (6) shall serve terms of four (4) years, five (5) shall serve terms of three (3) years, five (5) shall serve terms of two (2) years and five (5) shall serve terms of one (1) year. The governor of the Commonwealth of Kentucky shall appoint from this membership a chairman and co-chairman to serve for periods of two (2) years each. The council shall be attached to the cabinet for education and the arts for administrative purposes.

(2) Of the twenty-one (21) members, four (4) shall represent public libraries, two (2) shall represent school libraries, two (2) shall represent college or university libraries, two (2) shall represent special libraries, two (2) shall represent institutional libraries, two (2) shall represent the blind and physically handicapped and seven (7) members, at least one (1) of whom shall be representative of disadvantaged persons, shall represent library users.

(3) Vacancies shall be filled by the governor in the same manner as initial appointments are made.

(4) Members of the Kentucky state advisory council on libraries shall receive *twenty-five dollars ($25) per day for each meeting attended and* [no salary, but] shall be compensated for actual and necessary expenses.

(5) The council shall be the state advisory council on libraries for the purposes of Section 3(8) of the federal library services and construction act.

Section 15. KRS 183.862 is amended to read as follows:

(1) Such commission shall consist of six (6) members and the commissioner of aeronautics who shall be the ex officio chairman of such commission. The members of such commission shall be appointed by the governor for a term of four (4) years. The members shall serve for a term of four (4) years, and until their successors are appointed, provided however that the first two (2) members appointed shall serve for a term of two (2) years; the next two (2) for three (3) years; and the final two (2) for four (4) years. Upon the expiration of the first terms, successors shall be appointed for a term of four (4) years.

(2) Each member shall be a person experienced in and familiar with the field of aeronautics.

(3) Members of the commission shall receive *fifty dollars ($50)* [twenty-five dollars ($25.00)] for each day in actual session and shall be reimbursed for travel expenses and other reasonable expenses incident to performance of their duties.

Section 16. KRS 198A.030 is amended to read as follows:

(1) There is hereby created and established an independent, de jure municipal corporation and political subdivision of the Commonwealth of Kentucky which shall be a public body corporate and politic to be known as the Kentucky housing corporation.

(2) The Kentucky housing corporation is created and established as a de jure municipal corporation and political subdivision of the Commonwealth of Kentucky to perform essential governmental and public functions and purposes in improving and otherwise promoting the health and general welfare of the people by the production of residential housing in Kentucky.

(3) The housing corporation shall be governed by a board of directors, consisting of thirteen (13) members, five (5) of whom shall be the commissioner of the executive department for finance and administration, the director of the office for local government, the commissioner of revenue, the attorney general, and the commissioner of commerce, or their duly appointed designees, as public directors, and eight (8) of whom shall be chosen from the general public residing in the Commonwealth, as private directors.

(4) Upon organization of the housing corporation, the governor shall appoint the eight (8) private directors to take office and to exercise all powers thereof immediately. Of the eight (8) members of the corporation thus appointed, two (2) shall continue in office for terms of one (1) year, and two for terms of two (2), three (3) and four (4) years respectively as the governor shall designate; at the expiration of said terms and for all succeeding terms, the governor shall appoint a successor to the office of private director for a term of four (4) years in each case.

(5) In case of a vacancy, the governor may appoint a person for such a vacancy to hold office during the remainder of the term.

(6) The governor may remove any private director whom he may appoint in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and may appoint a person for such vacancy as provided in other cases of vacancy.

(7) The governor shall designate a member of the corporation to serve as chairman. The term of the chairman shall extend to the earlier of either the date of expiration of his then current term as a member of the corporation or a date six (6) months after the expiration of the then current term of the governor designating such chairman.

(8) The corporation shall annually elect one (1) of its members as vice chairman. The corporation shall also elect or appoint, and prescribe the duties of, such other officers as the corporation deems necessary or advisable, including an executive director and a secretary, and the corporation shall fix the compensation of such officers.

(9) The executive director shall administer, manage and direct the affairs and business of the corporation, subject to the policies, control and direction of the members of the corporation. The secretary of the corporation shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents and papers filed with the corporation, the minute book or journal of the corporation and its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the corporation and to give certificates under the official seal of the corporation to the effect that such copies are true copies, and all persons dealing with the corporation may rely upon such certificates.

(10) A majority of the board of directors of the corporation shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies.

(11) Action shall be taken by the corporation upon a vote of a majority of the members present at a meeting called upon three (3) days' written notice to each director or upon the concurrence of at least seven (7) directors.

(12) *Private* directors shall receive *fifty dollars ($50) per day for each meeting attended. All members of the board of directors* [no compensation for their services but] shall be entitled to their reasonable and necessary expenses actually incurred in discharging their duties under this chapter.

Section 17. KRS 216.425 is amended to read as follows:

(1) There is hereby created the Kentucky health facilities and health services certificate of need and licensure board consisting of sixteen (16) members, to be appointed by the governor, for the purpose of carrying out KRS 216.405 to 216.485. The board shall be appointed as follows: two (2) members from the Kentucky hospital association, two (2) members from the Kentucky medical association, two (2) members from the Kentucky nursing home association, one (1) member from the Kentucky nurses association, one (1) member from the Kentucky dental association, one (1) member from the Kentucky pharmaceutical association, and four (4) members who are consumers with an interest in education, rehabilitation, mental health, home care programs, or ambulatory care services and three (3) members who are consumers not associated with any health facilities or delivery of health services. The aforesaid associations shall nominate three (3) persons for each appointment to be made. The comprehensive health planning council shall nominate three (3) persons for each of the consumer positions. The governor shall appoint a chairman from the consumer members of the board. Members of the board shall serve for a term of four (4) years, except that the first appointments shall be made as follows: three (3) for a term of one (1) year; four (4), a term of two (2) years; four (4), a term of three (3) years; and four (4), a term of four (4) years. In event of a vacancy the person appointed shall serve only for the remaining portion of the vacated term. All members shall serve until such time as their successors are qualified and appointed. The secretary for human resources shall serve in an advisory capacity to the board.

(2) Board members shall *receive sixty-five dollars ($65) per day for each day spent in active board duty and shall* be reimbursed for allowable expenses for each day spent in active board duty.

(3) The board shall have authority to promulgate administrative regulations, to be filed with the legislative research commission as provided in KRS chapter 13 and do any other acts necessary to administer KRS 216.405 to 216.485.

(4) The board shall have three (3) separate and distinct functions:

(a) To issue certificates of need in accordance with the provisions of KRS 216.405 to 216.485.

(b) To issue licenses, regulate and inspect health facilities and health services.

(c) To enforce, through legal actions on its own motion, the provisions of such certificates, licenses and regulations.

(5) The board shall develop, establish, enforce and may repeal standards, rules and regulations for the care, health, safety, welfare, and comfort of patients in health facilities and health services covered by KRS 216.405 to 216.485 and for the maintenance and operation of health facilities and health services which shall be

designed to insure that the quality of care offered by the facility or service is satisfactory and that the facility or service receives a license appropriate to its function. This shall include but not be limited to the classification and categorization of health facilities and health services according to character, size, range of services provided, type and level of care required. Further, the board shall develop and enforce standards relative to each classification or category of health facilities and health services which must be met in order to receive a license to operate and maintain health facilities and health services.

(6) The board shall adopt, establish and enforce criteria and procedures as developed by the state health planning council for determining the need for construction, expansion or implementation of health facilities and services.

(7) Members of the board, or its representatives, are hereby authorized to enter upon the premises of any health facility or health service as covered by KRS 216.405 to 216.485, for the purpose of inspection, at any reasonable time.

(8) The composition of the board and the rules and regulations thereof shall conform to any federal law or regulations pertaining to the licensing of health facilities.

(9) The board may appoint such technical advisory committees as are deemed necessary to administer the provisions of KRS 216.405 to 216.485.

(10) The board may, by regulation, prescribe and collect reasonable fees and charges for processing applications for certificate of need and licensure. All fees and charges collected under the provisions of KRS 216.405 to 216.485 shall be paid to the state treasurer and credited to a trust and agency account to be used in the administration of KRS 216.405 to 216.485.

(11) The board shall coordinate the requirements of all other state agencies which may have regulatory power over health facilities and health services covered by KRS 216.405 to 216.485 in such manner that the applicant is assured of having met the requirements of the other agencies when issued a license by this board.

Section 18. KRS 216A.060 is amended to read as follows:

(1) The board shall elect annually from its membership a chairman and vice chairman. The board shall hold two (2) or more meetings each year. At any meeting a majority shall constitute a quorum. The board may procure specialized consultation through the formation of such technical advisory committees as it may deem necessary in the execution of its responsibilities.

(2) Members of the board shall *receive per diem compensation to be established by the secretary of the executive department for finance and administration. This compensation shall not exceed fifty dollars ($50) per day. Members* [serve without pay, but] shall be reimbursed for actual and necessary expenses.

Section 19. KRS 217.818 is amended to read as follows:

(1) There is hereby established the Kentucky drug formulary council consisting of nine (9) members.

(2) The chairman of the department of pharmacology of the university of Louisville school of medicine, the chairman of the department of pharmacology of the university of Kentucky college of medicine and the dean of the university of Kentucky college of pharmacy shall serve as ex officio members of the council with full voting rights; except that any of the three (3) named ex officio members may nominate a faculty member of equal qualifications to serve in his stead as a regular member of the council.

(3) The governor shall appoint five (5) members of the council. Two (2) members shall be physicians selected from nominations made by the Kentucky medical association; one (1) member shall be a pharmacist selected from nominations made by the Kentucky pharmaceutical association; the nominating organization shall submit three (3) names for each position to be filled by the governor. One (1) member shall be a consumer who is in no manner connected with any business or agency in the field of delivery of health services. One (1) member shall be appointed at the discretion of the governor. The members appointed by the governor shall serve at his pleasure. One (1) member shall be a member of the general assembly to be named by the legislative research commission and shall serve at the pleasure of the commission.

(4) The five (5) appointments made by the governor shall be made originally in such manner as to provide for staggered terms. Appointments thereafter shall be for a term of four (4) years.

(5) Vacancies shall be filled in the same manner as original appointments but only for the unexpired term of the vacated office.

(6) Members shall receive compensation of *fifty dollars ($50)* [$25] per day for each day spent in session, and shall be reimbursed for necessary and reasonable expenses incurred in the performance of their duties under KRS 217.814 to 217.826.

Section 20. KRS 224.041 is amended to read as follows:

(1) There is hereby created the environmental quality commission which shall consist of seven (7) members appointed by the governor.

(2) All members of the commission shall be citizens eligible to vote in elections in this Commonwealth. At all times a majority of the commission shall meet the requirements of KRS 224.043, and "person" as used

in KRS 224.043, shall relate to a majority of the members of the commission.

(3) Of the seven (7) members of the commission first to be appointed, one (1) shall be appointed for a term of one (1) year; two (2) for a term of two (2) years; two (2) for a term of three (3) years; and two (2) for a term of four (4) years, beginning on January 1, 1973. Thereafter, all appointments shall be made for terms of four (4) years beginning on the first day of January of the year in which the appointment is made. Each of the appointed members of the commission shall hold office for the term for which he was appointed and until his successor shall have been appointed and taken office in his stead or until he shall resign or be removed in a manner provided by law.

(4) Any vacancy in an unexpired term shall be filled for the unexpired portion of the term in the same manner as the original appointment to that term.

(5) *Members of the commission shall receive twenty-five dollars ($25) per day for each meeting attended and* [No salary or other compensation shall be allowed any member of the commission for services as such a member but each member] may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

(6) The commission shall select one (1) of its members as chairman, another as vicechairman, and another as secretary at its first regular meeting in the calendar year.

(7) Staff services for the commission shall be performed, insofar as practicable, by personnel of the department.

(8) The commission may request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency when it is deemed necessary or beneficial by the commission in the performance of its duties.

(9) The commission shall hold regular meetings at least once in every three (3) months, the time and place of which shall be determined by the commission. Special meetings may be called by the chairman or by three (3) members of the commission by delivery to each member of the commission of a written notice thereof at least five (5) days in advance of the date of any such meeting. Four (4) members of the commission shall constitute a quorum at any meeting. The commission shall establish bylaws for the conduct of its meeting and shall keep an accurate record of all its proceedings.

Section 21. KRS 227.560 is amended to read as follows:

(1) There is hereby created the mobile home certification and licensure board which shall issue certificates of acceptability to qualifying manufacturers and licenses to dealers.

(2) The board shall consist of the state fire marshal, the secretary of the department of transportation, the commissioner of the bureau for health services, or their designees, and six (6) citizens of the Commonwealth appointed by the governor, which shall include three (3) mobile home dealers, and three (3) members who shall have no interest in the industry to be regulated.

(3) The state fire marshal, the secretary of the department of transportation, and the commissioner of the bureau for health services shall be permanent members of the board, by virtue of their respective offices. The appointed members of the board shall hold office for terms of four (4) years with their terms expiring on September 1 of even numbered years. Each member shall hold office until his successor is appointed and has qualified.

(4) In the initial appointments to the board, the governor shall designate three (3) members to serve for two (2) years, and three (3) to serve for four (4) years.

(5) If a vacancy occurs in the office of one of the members of the board, the position shall be filled by a person appointed by the governor, and the person so appointed shall serve only to the end of the unexpired term.

(6) The chairman of the board shall be the state fire marshal. In the event of the chairman's absence or disability, the members of the board shall elect a temporary chairman by a majority vote of those present at a meeting.

(7) Each appointed member shall be entitled to *fifty dollars ($50)* [$25] for each day he is in attendance at meetings or hearings or on authorized business of the board, including time spent in traveling to and from the place of the meeting, hearing or other authorized business. Each member of the board shall also be entitled to reimbursement for travel and other necessary expenses incurred in performing official duties.

(8) The chairman, or in his absence a temporary chairman selected by the members of the board present at the meeting, shall preside at all meetings of the board. The board shall have regular meetings at times specified by a majority vote of the board. The chairman may call special meetings at any time. He shall call a special meeting on written request by two or more members of the board. A majority of the board shall constitute a quorum to transact business.

(9) All staff assistance deemed necessary by the board to carry out the functions and duties assigned to it in KRS 227.550 to 227.660 shall be provided by the office and shall function under the supervision of the administrative head of the office.

Section 22. KRS 229.151 is amended to read as follows:

There is hereby established the Kentucky athletic commission which shall consist of five (5) members appointed by the governor, each member to serve, at the will of the governor, during the governor's incumbency, and until his successor has been appointed. One (1) member shall be designated as chairman and one (1) member as vice-chairman, who shall have authority to act as chairman in the event of the chairman's absence or inability to act. The compensation of the chairman, vice-chairman and other members of the commission shall be fixed in the same manner as is provided by KRS 64.640 (2). The chairman, vice-chairman, other members of the commission, and those persons referred to in KRS 229.161, shall *receive twenty-five dollars ($25) per day for each meeting attended and shall* be paid their actual and necessary traveling and other expenses incurred by them in the performance of their official duties. The commission may adopt a seal for the commission and make such rules for the administration of their office, not inconsistent herewith, as they may deem expedient; and they may amend or abrogate such rules. Two (2) members of the commission shall constitute a quorum to do business; and, except as provided in KRS 229.220, the concurrence of at least two (2) members shall be necessary to render a determination by the commission.

Section 23. KRS 230.220 is amended to read as follows:

(1) There is hereby created the Kentucky state racing commission which shall be an independent agency of state government. The commission shall consist of five (5) members all of whom shall be appointed by the governor. Not less than three (3) of the members shall be breeders of thoroughbred horses in Kentucky, no two (2) of the members shall be directors of the same racing association and at least one (1) of the members shall have no financial interest in the business or industry regulated. Commissioners shall be appointed for a term of four (4) years and until their successors are appointed and qualified. Any vacancy on the commission shall be filled by the governor for the unexpired term. Each commissioner shall be eligible for reappointment in the discretion of the governor. Commissioners shall *receive fifty dollars ($50) per day for each meeting attended and* [serve without salaries, but] shall be reimbursed for all expenses paid or incurred in the discharge of official business. The commission shall designate one (1) of their number as chairman and another as vice chairman. Before entering upon the discharge of their duties, each commissioner shall take the constitutional oath of office.

(2) The commission shall establish and maintain a general office for the transaction of its business and may in its discretion establish a branch office or offices. The commission may hold meetings at any of such offices or at any other place when the convenience of the commission requires. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings. A majority of the commission shall constitute a quorum for the transaction of its business or exercise of any of its powers.

Section 24. KRS 230.413 is amended to read as follows:

(1) The Kentucky quarter horse and appaloosa commission shall be an agency independent of state administrative departments.

(2) The commission shall consist of five (5) persons appointed by the governor. At least one (1) of the members shall have no financial interest in the business or industry regulated. The members of the commission shall hold their offices for a term of four (4) years.

(3) The commission shall biennially make a full report to the general assembly of its proceedings for the two-year period ending December 1 preceding the meeting of the general assembly, and shall embody in the report such suggestions and recommendations as it deems desirable.

(4) The members of the commission shall receive per diem compensation to be established by the secretary of the executive department for finance and administration. This compensation shall not exceed fifty dollars ($50) per day.

Section 25. KRS 230.510 is amended to read as follows:

(1) There is hereby created the Kentucky Horse Council which shall be an independent agency of state government but which shall be attached to the executive department for finance and administration for administrative support services. The council shall be composed as follows:

(a) The governor shall appoint a total of seven (7) members. Not more than two (2) members shall be representatives of the same horse group in Kentucky and no more than two (2) members shall be directors of the same horse association. Any vacancy on the council shall be filled by the governor for the unexpired term. Each member shall be eligible for reappointment at the discretion of the governor. Members shall *receive twenty-five dollars ($25) per day for attending each council meeting and* [serve without salaries, but] shall be reimbursed for all expenses paid or incurred in the discharge of official business. The council shall designate one (1) of their number as chairman and another as vice chairman. Before entering upon the discharge of their duties, each member shall take the constitutional oath of office.

(b) The members of the council appointed by the governor shall hold their offices for a term of four (4) years; however, the terms will be staggered so that in initially composing the council two (2) members shall be appointed for a period of two (2) years, two (2) for three (3) years and three for four (4) years.

(c) The council shall establish and maintain a general office for the transaction of its business and may at its discretion establish a branch office or offices. The council may hold meetings at any of such offices or at any other place when the convenience of the council requires. All meetings of the council shall be open and public, and all persons shall be permitted to attend any meetings. A majority of the council shall constitute a quorum for the transaction of its business or exercise of any of its powers.

(2) Meetings of the council shall be held at least quarterly but may be held more frequently as deemed necessary subject to call by the chairman or by request of a majority of the council members. Council meetings shall concern policy matters relating to the importance of the horse industry to the Commonwealth and the preservation and the improvement of the horse industry in the Commonwealth, and actions contributing to the growth and well-being of clubs, 4-H activities, pleasure horse riding, youth activities or any kind relating to horses and other matters as are necessary to carry out the intent of this section and KRS 230.520.

(3) Each member of the council shall have one (1) vote and a majority vote of the members present shall control on all questions.

(4) Funds for the operation of the council shall come from subscriptions charged to members, such legislative appropriations as made by the general assembly and grants which may be received from time to time from private, federal or state agencies, and from individuals having an interest in the horse industry.

Section 26. KRS 230.620 is amended to read as follows:

(1) The Kentucky harness racing commission shall be an agency independent of state administrative departments and shall be in the public protection and regulation cabinet.

(2) The commission shall consist of five (5) persons appointed by the governor. At least one (1) of the members shall have no financial interest in the business or industry regulated. The members of the commission shall hold their offices for a term of four (4) years. The members of the commission shall choose from their number a chairman and a vice-chairman.

(3) The commission shall biennially make a full report to the general assembly of its proceedings for the two-year period ending December 1 preceding the meeting of the general assembly, and shall embody in the report such suggestions and recommendations as it deems desirable.

(4) The commission may appoint one (1) or more deputy commissioners and assistant deputy commissioners who shall perform such duties as prescribed by the commission.

(5) The presently appointed members of the Kentucky trotting commission shall constitute the initial members of the Kentucky harness racing commission until their current terms expire in 1976 and their successors have been duly appointed and qualified.

(6) The members of the commission shall receive fifty dollars ($50) per day for each commission meeting they attend.

Section 27. KRS 246.140 is amended to read as follows:

Members of the board shall receive *fifty dollars ($50)* [twenty-five dollars ($25.00)] per day and actual traveling expenses while attending meetings of the board, but the total number of days the board may be in session shall not exceed thirty-six (36) per year.

Section 28. KRS 247.120 is amended to read as follows:

The members of the state fair board shall be allowed their necessary traveling and hotel expenses, and shall be allowed *sixty-five dollars ($65)* [twenty-five dollars ($25.00)] per day for attending the meetings of the state fair board, which shall not exceed ninety-six (96) in number in any one (1) year, and for services rendered in carrying on the state fair.

Section 29. KRS 247.417 is amended to read as follows:

(1) The membership of the council shall consist of the governor, the lieutenant governor, the commissioner of agriculture, the secretary of the development cabinet, the dean of the college of agriculture and home economics of the university of Kentucky, and fifteen citizen members, a majority of whom shall be full-time farmers, appointed by the governor. All members shall serve at the governor's will during his incumbency, and until each member's successor is appointed.

(2) The governor shall serve as chairman of the council. The council may elect by majority vote a vice-chairman and such officers of the council as may be deemed necessary.

(3) Citizen members of the council shall receive a compensation of *fifty dollars ($50)* [$25] per day for each day of attendance at meetings of the council, and shall be reimbursed by the secretary's office for necessary and actual expenses in accordance with the provisions of KRS chapters 44 and 45.

(4) The council shall meet at the call of the chairman, but not less often than four (4) times during each calendar year. A majority of the members appointed to the council shall constitute a quorum.

Section 30. KRS 258.115 is amended to read as follows:

There shall be an advisory committee for the purpose of advising the commissioner in the enforcement of the provisions of KRS 258.095 to 258.365 and subsections (3) and (4) of KRS 258.990. The committee shall be composed of the commissioner, or his designate, and four (4) members appointed by the governor as follows: one (1) from a list of three (3) persons nominated by the blugrass state sheep association, one (1) from a list of three (3) persons nominated by the Kentucky purebred livestock association, one (1) from a list of three (3) persons nominated by kennel clubs of Kentucky and one (1) from a list of three (3) persons nominated by the Kentucky veterinary medical association. If an organization herein named should cease to exist, or, for any other reason fail to make nominations, the governor shall name another nongovernmental but interested organization to nominate three (3) persons. The appointed members shall serve for terms of four (4) years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and place as he may designate. Four (4) members present at any meeting shall constitute a quorum. Upon the written request of any three (3) members, the chairman shall call a meeting of the committee at the time and place requested. Members who are not employed by the state shall receive *twenty-five dollars ($25)* [fifteen dollars ($15.00)] per day, payable from the livestock fund, for attendance at meetings and shall be reimbursed for any actual expense incurred in performing their duties. The committee shall be nonpartisan, not more than three (3) of the appointed members being affiliated with any one (1) political party.

Section 31. KRS 260.570 is amended to read as follows:

(1) There shall be an egg marketing board in the department of agriculture. The board shall act in advisory capacity to the commissioner in all matters pertaining to the administration of the egg marketing law.

(2) The board shall be composed of the commissioner, chairman ex officio, and six (6) members appointed by the governor from lists of names submitted by egg producing and marketing organizations within the Commonwealth approved by the commissioner for the purpose of submitting such lists. Appointments shall be for three (3) years, except that in the case of the members first appointed, two (2) members shall be appointed for one (1) year, two (2) members for two (2) years, and two (2) members for three (3) years. All members must be residents of the Commonwealth and not more than three (3) shall be of the same political party.

(3) The board shall meet at least once each fiscal quarter and at such other times as the chairman may deem necessary. The chairman shall serve without additional compensation, but the members shall receive reimbursement for their necessary traveling expenses and the sum of *twenty-five dollars ($25)* [ten dollars ($10.00)] per day for each day they attend board meetings, payable out of funds derived from administration of the egg marketing law.

Section 32. KRS 318.071 is amended to read as follows:

(1) There is hereby created a state plumbing code committee which shall be established within the department for natural resources and environmental protection for administrative purposes. The state plumbing code committee shall consist of seven (7) members, one (1) of whom shall be a builder member of the home builders association of Kentucky, one (1) of whom shall be a member of the association of general contractors, one (1) of whom shall be a member of the Kentucky master plumbers association, one (1) of whom shall be a member of the Kentucky society of professional engineers (who shall have a background in sanitary engineering), one (1) of whom shall be a member of the american institute of architects, one (1) of whom shall be a member of the united association of journeyman plumbers, and one (1) of whom shall be a member of the mechanical contractors association. Each member of the state plumbing code committee shall receive *twenty-five dollars ($25) per day for attending each meeting and* [no compensation but] shall be reimbursed for all necessary expenses. The members of the committee shall be appointed by the governor from lists of three (3) names submitted by the above mentioned organizations.

(2) Each member shall be appointed for and hold office a term of two (2) years or until his successor is appointed and qualified.

(3) At all times in the filling of vacancies of membership on the committee the balance of representation set out in subsection (1) shall be maintained.

Section 33. KRS 319.020 is amended to read as follows:

The state board of examiners of psychologists shall consist of five (5) members appointed by the governor. Four (4) members shall be licensed psychologists. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. The governor shall appoint from a list of ten (10) submitted to him by the Kentucky psychological association four (4) psychologists holding the degree of doctor of philosophy or its equivalent in psychology from an accredited educational institution and eligible for licensing under the provisions of this chapter to be members of the board of examiners of psychologists. The governor shall appoint members, for terms of four (4) years and until their successors are appointed and qualified. Psychologist members shall be appointed from a group of three (3) nominees for each position to be filled, the nominees to be selected by the psychologists licensed under KRS 319.005 to 319.131 from a list of eligible candidates prepared by the Kentucky psychological association, and each nominee shall be a psychologist licensed according to the provisions of this chapter. Each psychologist member shall be an elector of this state and shall have engaged in the practice of teaching of psychology for at least three (3) years in this state or elsewhere in the United States. Annually the board shall elect one (1) of its members as chairman. The governor shall fill any vacancy occurring in the board in the manner and at the time prescribed above. Upon recommendation by a majority of the board members and after notice and a hearing by them, the governor shall remove any member for incompetence, neglect of duty or malfeasance in office. Three (3) members of the board shall be a quorum. Each member *shall receive fifty dollars ($50) per day for attending each meeting and* shall receive his necessary expenses incurred in the performance of the duties required by this chapter. The board is responsible for preparation or selection and administration of written examinations on general psychological knowledge and on the appropriate psychological specialty or specialties of the applicant as required by this chapter and for recommending licensure or certification under the provisions of this chapter. A schedule of fees for licensure, certificates, and temporary permits shall be established and amended, as necessary, by the board of examiners. The board is authorized to collect said fees. The board is empowered to question violation of this law and to bring suit against such violators. The board may employ necessary personnel for the performance of its functions, determine the classifications and functions of such personnel, and fix the compensation thereof, within the limits of funds available to the board.

Section 34. KRS 320.230 is amended to read as follows:

(1) The Kentucky board of optometric examiners shall consist of five (5) members appointed by the governor. Four (4) members shall be practicing optometrists well grounded in the practice of optometry appointed by the governor from a list containing three (3) names for each appointment recommended by the Kentucky optometric association. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. The members shall serve for a term of four (4) years and until their successors are appointed and have qualified. They shall *receive fifty dollars ($50) per day for attending board meetings and* [serve without compensation but] shall be reimbursed for actual expenses incurred in the carrying out of their duties under this chapter.

(2) Each optometrist member shall be well grounded in the theory and practice of the profession of optometry and shall have been an actual resident and licensed practicing optometrist of this state for not less than five (5) years immediately preceding his appointment to the board. He shall not be in any way connected with or interested in any optometric school, college or institution of learning or optometric supply business.

(3) Any vacancy occurring on the board as the result of a member not completing the term for which he was appointed shall be filled, for the unexpired term, in the same manner as is provided in subsection (1) of this section for the appointment of members.

(4) A majority of the members of the board shall constitute a quorum for the transaction of business.

Section 35. KRS 326.020 is amended to read as follows:

(1) There is hereby created a board of ophthalmic dispensers to be known as the "Kentucky Board of Ophthalmic Dispensers." It shall consist of five (5) members to be appointed by the governor, one (1) member of which shall be a licensed medical physician or osteopath experienced in the treatment and examination of eyes and one (1) member of which shall be a licensed optometrist. Two (2) members shall be licensed ophthalmic dispensers. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. They shall not pass upon their own qualifications. The board shall elect one (1) of its members chairman and one (1) member secretary-treasurer. These officers shall serve at the pleasure of the board.

(2) Members shall serve for a period of four (4) years from the date of their appointment and qualification. At the expiration of the term of office of any member, the governor shall appoint a successor for a term of four (4) years. [The board shall serve without compensation.]

(3) The board shall have the right to make reasonable rules and regulations to carry out the purposes and provisions of this chapter. It may provide for the licensing of apprentice ophthalmic dispensers.

(4) Members shall receive fifty dollars ($50) per day for attending board meetings.

Section 36. KRS 335.060 is amended to read as follows:

The members of the board, except the secretary, shall receive *per diem compensation to be established by the secretary of the executive department for finance and administration. This compensation shall not exceed fifty dollars ($50) per day. Members* [no compensation for their services; but] may be reimbursed for their reasonable necessary expenses incurred in the performance of their duties. Reimbursement shall not be made if available funds are insufficient for this purpose. If the board decides to compensate the secretary, it shall, in its discretion, fix his compensation.

Section 37. KRS 338.051 is amended to read as follows:

(1) There is hereby established in the department of labor the Kentucky occupational safety and health standards board consisting of the commissioner and twelve (12) members equally representing industry, labor, agriculture and the safety and health profession. The members shall be appointed by the governor for terms of three (3) years and until their successors are appointed and qualified, from lists of nominees submitted by bona fide associations representative of industry, labor, agriculture and the safety and health profession. Members shall receive *twenty-five dollars ($25) per day for attending each meeting and* [no salary but] shall be reimbursed for actual expenses incurred in carrying out their duties. The commissioner shall act as chairman of the board. No member of the board may have a concurrent term on the review commission.

(2) The board shall hold quarterly meetings and additional meetings as needed. A majority of the board constitutes a quorum for the transaction of business.

(3) The board shall adopt and promulgate occupational safety and health rules, regulations, standards, and secure all expertise, testimony, and evidence necessary to accomplish the purposes of this chapter.

Section 38. KRS 344.160 is amended to read as follows:

(1) The members of the commission on human rights established by KRS 344.150 shall be appointed on a bipartisan basis and shall be broadly representative of employers, proprietors, trade unions, religious groups, human rights groups, and the general public.

(2) Each member is entitled to re-imbursement of expenses incurred in the performance of his duties and when serving as a hearing examiner shall be compensated at a per diem rate to be established by the commissioner of personnel.

(3) Each member shall receive sixty-five dollars ($65) per day for attending meetings of the commission in addition to the reimbursement of expenses authorized in subsection (2) of this section.

Section 39. KRS 353.565 is amended to read as follows:

(1) There is hereby created in the department of mines and minerals, the "Kentucky oil and gas conservation commission" which shall be composed of five (5) members. Four (4) of the members shall be appointed by the governor and the fifth member, who shall serve as chairman of the commission, shall be the director of oil and gas conservation and who shall serve in an ex-officio capacity as a non-voting member except in the case of a tie. The four (4) members appointed by the governor must be residents of this state and not more than one (1) of them may be directly employed in the exploration for or the production of oil or gas, or deriving more than fifty percent (50%) of such person's income from the exploration for or production of oil or gas, or engaged in a business directly servicing or supplying such activities. No member of the commission shall participate in the deliberations of the commission or vote on any matter before the commission in which he, his employer, or any business unit in which he has a financial interest is an interested party; provided that a member of the commission is not prohibited from deliberating or voting on matters of general interest, such as the fixing of statewide spacing patterns, affecting him, his employer, or a business unit in which he has financial interest as a member of a class of persons to be affected by a rule, regulation or order of the commission. The commission shall not contain more than one (1) representative from any one operator, including subsidiaries or affiliates. Of the four (4) members appointed by the governor, two (2) shall be residents of eastern Kentucky and two (2) shall be residents of western Kentucky. Longitude 8430' shall be deemed as the division line between eastern Kentucky and western Kentucky.

(2) The members of the commission, except the chairman, shall be appointed for terms of four (4) years each, except that the original appointments shall be for terms of one (1), two (2), three (3) and four (4) years respectively. Each member appointed by the governor shall serve until his successor has been appointed and qualified. Members may be reappointed by the governor to serve successive terms. The members of the commission, before performing any duty hereunder, shall take oath which shall be certified by the officer administering it. The oath in writing and the certificate shall be filed in the office of the secretary of state. Vacancies in the membership appointed by the governor shall be filled by appointment by him and for the unexpired term of the member whose office shall be vacant and such appointment shall be made by the governor within sixty (60) days of the occurrence of such vacancy. Any member appointed by the governor may be removed by the governor in case of incompetency, neglect of duty, gross immorality or malfeasance of office.

(3) The commission shall meet at such times and places as shall be designated by the chairman. The chairman may call a meeting of the commission at any time, and he shall call a meeting of the commission upon the written request of two (2) members. Notification of each meeting shall be given in writing to each member by the chairman at least five (5) days in advance of the meeting. Any three (3) members, one of which may be the chairman, shall constitute a quorum for the transaction of any business, including the holding of

hearings, as hereinafter provided for. A majority of the commission present shall be required to determine any issue brought before it for decision.

(4) Each member of the commission, except the chairman, shall receive *fifty dollars ($50)* [thirty-five dollars ($35)] per diem not to exceed one hundred (100) days per calendar year while actually engaged in the performance of his duties as a member of the commission. Each member of the commission, including the chairman, shall also be reimbursed for all reasonable and necessary expenses actually incurred in the performance of his duties as a member of the commission.

(5) The commission shall execute and carry out, administer and enforce the provisions of KRS 353.651 and 353.652 in the manner provided herein. The commission may make such investigation of records and facilities as it deems proper.

(6) In the event an emergency is found to exist by the commission which, in its judgment, requires the making, changing, renewal, or extension of a rule, regulation, or order without first having a hearing, such emergency rule, regulation, or order shall have the same validity as if a hearing with respect to the same had been held after due notice. The emergency rule, regulation or order hereby permitted shall remain in force no longer than forty-five (45) days from its effective date, and, in any event, it shall expire when the rule, regulation, or order made after due notice and hearing with respect to the subject matter of such emergency rule, regulation or order becomes effective.

(7) The commission shall have specific authority to:

(a) Make and enforce reasonable rules and regulations and orders reasonably necessary to prevent waste, protect correlative rights, govern the practice and procedure before the commission and otherwise administer the provisions of KRS 353.651 and 353.652; and

(b) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of any books, records, maps, charts, diagrams and other pertinent documents, and administer oaths and affirmations to such witnesses, whenever, in the judgment of the commission, it is necessary to do so for the effective discharge of its duties under the provisions of KRS 353.651 and 353.652.

(8) Any interested person may have the commission call a hearing for the purpose of taking action in respect to any matter within the jurisdiction of the commission by making a request therefor in writing. Upon the receipt of any such request, the commission promptly shall call a hearing thereon, and, after such hearing and with all convenient speed, and in any event within thirty (30) days after the conclusion of such hearing, shall take such action with regard to the subject matter thereof as it may deem appropriate.

(9) Agreements made in the interest of conservation of oil or gas, or both, or for the prevention of waste, between and among owners or operators, or both, owning separate holdings in the same field or pool, or in any area that appears from geologic or other data to be underlaid by a common accumulation of oil or gas, or both, and agreements between and among such owners or operators, or both, and royalty owners therein, for the purpose of bringing about the development and operation of the field, pool or area, or any part thereof, as a unit, and for establishing and carrying out a plan for the cooperative development and operation thereof, when such agreements are approved by the commission, are hereby authorized and shall not be held or construed to violate any of the laws of this state relating to trusts, monopolies, or contracts and combinations in restraint of trade.

(10) Nothing in this section shall be construed as giving to the Commission the right or authority to supersede the authority of the department in the administration of KRS 353.060.

Section 40. KRS 367.140 is amended to read as follows:

(1) The consumers' advisory council shall be attached for administrative purposes to the department of law, with such duties and responsibilities to act in an advisory capacity on consumer affairs as the council deems necessary and as directed by the governor, the attorney general or the legislative branch of government.

(2) The consumers' advisory council shall meet at least four (4) times each year at such times and places as shall be designated by its chairman, and shall hold such other meetings as shall be called by the chairman. Seven (7) members of the council shall constitute a quorum. The members of the council shall receive *twenty-five dollars ($25) per day for attending each meeting and* [no compensation for their services, but] shall receive their reasonable and necessary expenses in connection with the performance of their duties, to be paid out of sums appropriated to the department of law.

(3) The consumers' advisory council shall prepare and publish annually a report on the state of consumer affairs in Kentucky.

Section 41. KRS 439.302 is amended to read as follows:

The commission on correction and community service shall consist of the commissioner of the bureau of corrections, the deputy commissioner for community services, the deputy commissioner for institutions, the chairman of the parole board, two (2) circuit judges designated by the governor, and five (5) public members appointed by the governor, these to include a psychiatrist, a professional educator, a member who is qualified to express the views of business and industry, a member who is qualified to express the views of organized labor, and a practicing attorney. The judicial and public members shall serve for the remainder of the term of office of the governor during whose incumbency they were appointed, unless sooner removed for cause; all other members shall serve during their terms of office. The commissioner of corrections shall act as chairman of the commission. All *public* members of the commission shall *receive twenty-five dollars ($25) per day for attending each meeting. Each commission member* [serve without compensation, but each member] shall be reimbursed for his necessary travel and other expenses actually incurred in the discharge of his duties on the commission.

Section 42. KRS 163.086 is amended to read as follows:

There shall be a state advisory council on vocational education, consisting of a minimum of twenty-one (21) members appointed by the governor, to advise and consult with the state board of education, superintendent of public instruction, and assistant superintendent for vocational education in the development of rules and regulations and annual state plan for the administration of vocational education. The council shall be responsible for holding public hearings on vocational education and evaluate significant areas of the state program of vocational education each year, prepare an annual report of its findings, then submit it through the state board of education to the United States commissioner of education and the national advisory council on vocational education in compliance with the provisions of the acts of congress which are accepted for the purpose of supporting vocational education in Kentucky and the ensuring of compliance with the provisions of KRS Chapters 156 and 163, which pertain to programs of vocational education in the Commonwealth of Kentucky. *Members of the council shall receive fifty dollars ($50) per day attendance at each meeting or hearing.*

SB 289, AN ACT relating to state government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 11.065 is amended to read as follows:

(1) The heads of the executive department for finance and administration, department for human resources, department of justice, department for natural resources and environmental protection, department of transportation, cabinet for education and the arts, cabinet for development and the cabinet for public protection and regulation shall constitute the governor's executive cabinet. *There shall be a secretary appointed by the governor who shall serve as the chief executive and administrative officer of the executive cabinet.* The governor shall be the chairman and the *secretary* [commissioner] of the executive department for finance and administration shall be [secretary and] vice-chairman of the executive cabinet.

(2) The cabinet shall meet not less than *once every two months* [twice a month] and at other times on call of the governor or the secretary of the cabinet. The executive cabinet shall be a part of the office of the governor and shall not constitute a separate department or agency of the state. Members of the cabinet shall be the major assistants to the governor in the administration of the state government and shall assist the governor in the proper operation of his office and perform such other duties as the governor may require of them.

(3) The cabinet shall consider such matters involving policies and procedures as the governor or any member may place before it. The cabinet shall advise and consult with the governor on all matters affecting the welfare of the state.

Section 2. KRS 12.020 is amended to read as follows:

Departments, program cabinets (and their departments) and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or executive order.

I. Departments headed by elected officers:
1. The governor.
2. Lieutenant governor.
3. Department of state.
(a) Board of elections.
4. Department of law.
(a) Consumers advisory council.
5. Department of the treasury.
6. Department of agriculture.

(a) State board of agriculture.
(b) Milk marketing and antimonopoly commission.
7. Department of education.
(a) *Superintendent of public instruction* [State board of education].
(b) *State board for elementary and secondary education* [State textbook commission].
(c) The department for elementary and secondary education.
(d) State board for occupational education.
(e) The department for occupational education.
(f) State textbook commission.
8. Auditor of public accounts.
9. Railroad commission.
II. Cabinet departments headed by appointed officers:
1. Executive department for finance and administration.
(a) State property and buildings commission.
(b) Turnpike authority of Kentucky.
(c) Capitol plaza authority.
(d) Kentucky housing corporation.
(e) Kentucky pollution abatement authority.
(f) Kentucky health and geriatric authority.
(g) Kentucky savings bond authority.
(h) [County debt commission.
(i)] Spindletop foundation.
(i) [(j)] Kentucky public employes deferred compensation system.
[(k) Board of claims.
(l) Crime victims compensation board.]
2. Department of transportation.
(a) Railroad commission.
(b) Motor vehicle dealers board.
3. Department for natural resources and environmental protection.
(a) Environmental quality commission.
(b) Soil and water conservation commission.
(c) Ohio river sanitation commission.
4. Department of justice.
(a) Kentucky crime commission.
(b) Parole board.
(c) Kentucky law enforcement council.
(d) Commission on corrections and community service.
(e) State police personnel board.
5. Department for human resources.
(a) Citizens commission for human resources.
(b) Advisory council for medical assistance.
(c) Unemployment insurance commission.
(d) Certificate of need and licensure board.
(e) Generic formulary council.
Cabinet for development.
Department of agriculture (headed by elected officer).
6. Department of commerce.
(a) Kentucky industrial development finance authority.
(b) Kentucky *film* [science and technology] commission.
7. Department of fish and wildlife resources.
(a) Fish and wildlife resources commission.
8. Department of parks.
(a) Breaks interstate park commission.
9. Department of energy.
(a) Energy resources advisory commission.
(b) Kentucky science and technology commission.
(c) Kentucky geological survey.
(d) Institute for mines and minerals research.
10. Kentucky historical events celebration commission.
11. State fair board.

12. Kentucky *council of economic advisers* [geological survey].
13. Economic development commission.
14. The governor's council on agriculture.
15. The farmers advocate's office.
Cabinet for education and the arts.
16. Kentucky arts commission.
17. Bureau for the blind.
Department of education (headed by elected officer).
18 [17]. Kentucky authority for educational television.
19 [18]. Kentucky heritage commission.
20 [19]. Kentucky historical society.
21 [20]. Department of library and archives.
(a) State archives and records commission.
(b) State board for certification of librarians.
22 [21]. Advisory council for vocational education and manpower development and training.
Cabinet for public protection and regulation.
23 [22]. Department for alcoholic beverage control.
(a) Alcoholic beverage control board.
24 [23]. Department of banking and securities.
25 [24]. Department of insurance.
(a) Custodian of insurance securities.
26 [25]. Department of labor.
(a) Workmen's compensation board.
(b) Occupational safety and health standards board.
(c) State labor relations board.
27 [26]. Department of mines and minerals.
28 [27]. Kentucky registry of election finance.
29 [28]. Public Service commission.
30 [29]. Kentucky quarterhorse and appaloosa commission.
31 [30]. Kentucky state racing commission.
32 [31]. Kentucky harness racing commission.
33 [32]. Kentucky board of tax appeals.
34. Department of housing, buildings and construction.
III. Other departments headed by appointed officers:
1. Department of military affairs.
2. Department of personnel.
(a) Personnel board.
3. Department of public information.
4. Department of revenue.
5. Human rights commission.
6. Council on public higher education.
7. Teachers' retirement system.
8. Kentucky employees' retirement system.
9. Commission on women.
10. Kentucky tobacco research board.
11. Kentucky center for energy research.
12. Department for local government.
(a) Council for land use planning.
(b) County debt commission.
(c) Municipal statutes revision commission.
(d) County statutes revision commission.
(e) Local government advisory commission.
(f) Kentucky urban affairs council.

Section 3. KRS 12.023 is amended to read as follows:

(1) The following administrative bodies shall be attached to the office of the secretary of the cabinet and shall report directly to the governor:

(a) [Kentucky council of economic advisers.

(b)] Governor's judicial advisory council.

(b) [(c)] Council on public higher education (The state universities and colleges shall report through the council on public higher education).

(c) [(d)] Kentucky tobacco research board.
(d) Board of claims.
(e) Crime victims compensation board.

(2) The heads of the following departments and administrative bodies shall report to the secretary of the cabinet:

(a) Department of military affairs.
(b) Department of personnel.
(c) Department of public information.
(d) Department of revenue.
(e) Human rights commission.
(f) Teachers' retirement system.
(g) Kentucky employees' retirement system.
(h) Commission on women.
(i) Office for *program administration* [state planning].
(j) Department for local government.

Section 4. KRS 12.260 is amended to read as follows:

There is hereby established in the office of secretary for public protection and regulation:

(1) A deputy secretary, appointed by the secretary pursuant to KRS 12.050, who shall be responsible for and engaged in operations of the cabinet and any other duties as assigned by the secretary, and in the absence of the secretary, have authority over cabinet affairs; and

(2) The position of ombudsman. The ombudsman shall be appointed by the governor on the advice of the secretary for public protection and regulation. The ombudsman shall provide a review of complaints by citizens with regard to services rendered by the agencies in the cabinet for public protection and regulation that cannot be resolved through normal administrative remedies. The files of the ombudsman shall be made available to the secretary in order to guide the correction of operational difficulties and other causes of citizen complaint.

Section 5. KRS 12.265 is amended to read as follows:

The cabinets established in KRS 12.250 shall be composed of departments, boards and commissions as follows:

I. Cabinet for development
A. Department of agriculture
B. Department of commerce
C. Department of fish and wildlife resources
D. Department of parks
E. Department of energy
F. Kentucky historical events celebration commission
G. State fair board
H. *Office of developmental planning* [Kentucky geological survey]
I. Economic development commission
J. Governor's council on agriculture
K. Farmers advocate's office.
L. Council of economic advisors.
II. Cabinet for education and the arts
A. Kentucky arts commission
B. Department of education
C. The Kentucky authority for educational television
D. Kentucky heritage commission
E. Kentucky historical society
F. Department of library and archives
G. Bureau for the blind.
III. Cabinet for public protection and regulation
A. Department of alcoholic beverage control
B. Department of banking and securities
C. Department of insurance
D. Department of labor
E. Department of mines and minerals
F. Kentucky registry of election finance
G. Public service commission

H. Kentucky quarterhorse and appaloosa commission
I. Kentucky state racing commission
J. Kentucky harness racing commission
K. Kentucky board of tax appeals
L. Department of housing, buildings and construction.

SECTION 6. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

There is hereby created within the cabinet for development an office of developmental planning, which shall be headed by an executive director appointed by the secretary pursuant to KRS 12.050. The office shall provide the primary support for the development, evaluation, and measurement of overall objectives, polices, and programs relating to economic and community development, and it shall be a broad scope research unit capable of dealing with any phase of economic development.

Section 7. KRS 15.310 is amended to read as follows:

As used in KRS 15.310 to 15.510 and KRS 15.990 to 15.992, unless the context otherwise requires:

(1) "Council" means the Kentucky law enforcement council established by KRS 15.310 to 15.510 and KRS 15.990 to 15.992.

(2) "Bureau" means the bureau of training of the department of justice.

(3) "Law enforcement officer" means a member of a lawfully organized police unit or police force of [state,] county, city or metropolitan government who is responsible for the detection of crime and the enforcement of the general criminal laws of the state, as well as sheriffs, sworn deputy sheriffs, campus security officers, law enforcement support personnel, public airport authority security officers, other public and federal peace officers responsible for law enforcement, and private security guards licensed pursuant to state statute.

(4) "Secretary" means the secretary of the department of justice.

Section 8. KRS 15.330 is amended to read as follows:

The council is vested with the following functions and powers:

(1) To prescribe standards for the approval and continuation of approval of schools at which law enforcement training courses required under KRS 15.310 to 15.510 and KRS 15.990 to 15.992 shall be conducted, including but not limited to minimum standards for facilities, faculty, curriculum, and hours of attendance related thereto;

(2) To prescribe minimum qualifications for instructors at such schools, except that institutions of higher education shall be exempt from council requirements;

(3) To prescribe qualifications for attendance and conditions for expulsion from such schools;

(4) To approve, to issue and to revoke for cause certificates to schools and instructors as having met requirements under KRS 15.310 to 15.510 and KRS 15.990 to 15.992;

(5) To approve [and to issue certificates of approval of] law enforcement officers and other persons as having met requirements under KRS 15.310 to 15.510 and KRS 15.990 to 15.992;

(6) To inspect and evaluate schools at any time and to require of schools, instructors and persons approved or to be approved under the provisions of KRS 15.310 to 15.510 and KRS 15.990 to 15.992, any information or documents;

(7) [To make a continuing study of law enforcement training standards and upon request, to furnish information relating to standards for recruitment, employment, promotion, organization, management and operation of any law enforcement agency in Kentucky;

(8) To conduct continuing research on criminal law and criminal justice subjects related to law enforcement training;

(9)] To recommend reasonable rules and regulations to the secretary to accomplish the purposes of KRS 15.310 to 51.510 and KRS 15.990 to 15.992;

(8) [10)] To adopt bylaws for the conduct of its business not otherwise provided for*;*

(9) The provisions of KRS 15.310 to 15.510 and KRS 15.990 to 15.992 do not apply to the bureau of state police.

Section 9. KRS 15.340 is amended to read as follows:

Subject to approval by the secretary, the bureau may make its facilities and services available upon the following terms:

(1) The bureau may determine to which law enforcement agencies, corrections agencies and court agencies and its officers it will offer training;

(2) In determining the law enforcement officers for which it will offer training and in allocating available funds, the bureau shall give first priority to "police officers" as defined by KRS 15.420(2) *and* [,] public airport authority security officers [, and to the Kentucky state police];

(3) Except for the officers described in subsection (2), the bureau may determine whether persons to whom it offers training or agencies employing such persons must bear any or all costs of such training.

SECTION 10. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

There is hereby established in the office of the attorney general a division of natural resources and environmental law. Said division shall be directed by an assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of KRS 15.100 who shall carry out the duties imposed by this subdivision under the supervision of the attorney general and carry out such other duties as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of KRS 15.100 and such additional clerical, stenographic and other staff as may be necessary to carry out the provisions hereof within the limits of the appropriations made therefor.

SECTION 11. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

The division of natural resources and environmental law shall have the following powers, duties and functions:

(1) To prevent or remedy damage to the environment caused by any person, group, partnership, association, body corporate or politic, or any agency, department, board, commission, division or authority, whether state or federal, or by commencing or intervening in any suit or action in state or federal courts, whether civil or criminal, to enforce any statute, ordinance, by-law or regulation, or to secure any common law right or remedy.

(2) To counsel state agencies and commissions given the responsibility over environmental concerns including but not limited to the department for natural resources and environmental protection, department of mines and minerals, and public service commission.

(3) To exercise the common law powers of the attorney general in protecting the environment.

(4) To bring public nuisance and other actions in circuit courts in the name of the Commonwealth upon complaint by private citizens, when in the opinion of the attorney general the activity or activities complained of may have a substantial impact upon the environment of the Commonwealth.

(5) Nothing in this section shall be interpreted to derogate from any existing common law or statutory right or remedy against damage to the environment.

SECTION 12. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

The division of natural resources and environmental law is hereby authorized to call upon any other state department, agency, commission, authority or institution, for whatever help or assistance said division deems necessary to investigate and prosecute cases involving environmental damage, and such other departments, agencies, commissions, authorities, and institutions are hereby required to forthwith cooperate with and assist said division without charge.

Section 13. KRS 15A.030 is amended to read as follows:

The department of justice, in addition to the bureaus set forth in KRS 15A.020, shall consist of the following organizational units which are hereby created or reestablished:

(1) Office of secretary of justice comprised of the secretary of justice, *the* [and] Kentucky crime commission, *the Kentucky law enforcement council and the office of law enforcement programming.*

(2) Deputy secretary of justice.

(3) [(2)] Executive office of staff services.

(4) [(3)] Office *for* [of] public *advocacy* [defender], attached to the office of the secretary for administrative purposes.

(5) [(4)] Office of the general counsel.

Section 14. KRS 15A.060 is amended to read as follows:

The executive office of staff services shall be headed by an administrator who shall be appointed by and be directly responsible to the secretary. The administrator shall have such authority and responsibility as may be delegated by the secretary. *The office shall serve as the state planning agency for purposes of compliance with the federal crime control and safe streets act of 1968, as amended, and provide staff services to the Kentucky crime commission relating to the administration of federally supported programs pursuant to the above referenced Act.*

Section 15. KRS 15A.070 is amended to read as follows:

(1) The bureau of training shall establish, supervise and coordinate training programs and schools for law enforcement personnel, correction personnel, court personnel and any other justice or non-law enforcement related personnel as prescribed by the secretary.

(2) The bureau of training shall make a continuing study of law enforcement training standards and upon request, may furnish information relating to standards for recruitment, employment, promotion, organization, management and operation of any law enforcement agency in Kentucky.

(3) The bureau of training shall conduct continuing research on criminal law and criminal justice subjects related to law enforcement training.

Section 16. KRS 15A.080 is amended to read as follows:

The parole board and the commission on corrections and community services shall be attached to the office of the commissioner, bureau of corrections, for administrative purposes. The Kentucky law enforcement council shall be attached to the office of the *secretary of justice* [commissioner, bureau of training,] for administrative purposes. The commission on corrections and community services shall advise the *secretary of justice* [commissioner, bureau of training], on appropriate correctional training programs and evaluation thereof.

SECTION 17. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The deputy secretary of justice shall be appointed by and directly responsible to the secretary and shall be the principal assistant and advisor to the secretary for all policies, programs and operations of the department.

Section 18. KRS 18.140 is amended to read as follows:

(1) The classified service to which KRS 18.110 to 18.360 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:

(a) The general assembly and employes of the general assembly including the employes of the legislative research commission;

(b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;

(c) Members of boards and commissions;

(d) Officers and employes on the staff of the governor, the lieutenant governor, the office of *program administration* [state planning], and the office of the secretary of the governor's cabinet;

(e) Heads of departments, including those appointed by boards and commissions;

(f) One (1) principal assistant or deputy for each head of a department;

(g) One (1) additional principal assistant or deputy, or other major assistants as may be necessary for making and carrying out policy, for each head of a department in those instances in which the nature of the functions, size or complexity of the agency involved are such that the personnel board may approve such an addition or additions on petition of the department head approved by the commissioner of personnel;

(h) Division directors subject to the provisions of KRS 18.150;

(i) Physicians employed as such in institutions for treatment of patients with mental illness or tuberculosis;

(j) One (1) private secretary for each head of a department and for each principal assistant or deputy not included in the classified service;

(k) The judicial department, referees, receivers, jurors, and notaries public;

(l) Officers and members of the staffs of state universities and colleges and student employes of such institutions, provided that said institutions shall establish and implement a personnel system embodying the principles in KRS 18.110 to 18.360 applicable to faculty members and staff; and officers, teachers, and employes of local boards of education;

(m) Patients or inmates employed in state institutions;

(n) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the general assembly, or a committee thereof, or by authority of the governor;

(o) Seasonal, temporary, and emergency employes;

(p) Federally funded time-limited employes;

(q) Officers and members of the state militia;

(r) Peace officers in the department of justice, Provided that said department shall maintain a personnel system embodying the principles herein applicable to peace officers;

(s) University or college engineering students or other students employed part-time or part-year by the state through special personnel recruitment programs; provided that while so employed such aides shall be under contract to work full-time for the state after graduation for a period of time approved by the commissioner;

(t) Superintendents of state penal and correctional institutions as referred to in KRS 196.180(2);

(u) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311;

(v) County and commonwealth's attorneys and their respective appointees.

(2) Nothing in KRS 18.110 to 18.360 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and KRS 150.061.

(3) Nothing herein is intended or shall be construed to affect any nonmanagement, nonpolicy-making position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.

(4) Classified employes with status promoted to positions exempted from classified service may, upon termination of their employment in the exempted service, revert to their classified status, but not necessarily to a particular position in the classified service.

(5) Nothing herein shall be construed as precluding appointing officers from filling nonclassified positions in the manner in which positions in the classified service are filled except as otherwise provided herein.

Section 19. KRS 31.010 is amended to read as follows:

There is hereby established as an independent agency of state government the office *for* [of] public *advocacy* [defender], in order to provide for the establishment, maintenance and operation of a state sponsored and controlled system for*:*

(1) The representation of indigent persons accused of crimes or mental states which may result in their incarceration or confinement*; and*

(2) The pursuit of legal, administrative, and other appropriate remedies to insure the protection of the rights of the developmentally disabled. For the purposes of this Act, "developmentally disabled" shall be defined as provided in Public Law 94-103, or as amended.

Section 20. KRS 31.020 is amended to read as follows:

(1) The office *for* [of] public *advocacy* [defender] shall consist of the public *advocate* [defender], deputy public *advocate* [defender], such assistant public *advocates* [defenders] as the public *advocate* [defender] shall deem necessary, and such secretarial and other personnel as the public *advocate* [defender] shall deem necessary.

(2) The public *advocate* [defender] shall be appointed by the secretary of justice with the prior approval of the governor after the secretary has received recommendations for the appointment from the Kentucky bar association. The public *advocate* [defender] shall be directly responsible to the secretary. The public *advocate* [defender] shall be compensated at a rate not greater than twenty-seven thousand dollars ($27,000) per year, and shall serve a term of four (4) years, unless removed by the governor.

(3) The deputy public *advocate* [defender] shall be an attorney and shall be appointed by the public *advocate* [defender] and shall serve at his pleasure.

(4) The assistant public *advocates* [defenders] shall be attorneys, shall be appointed by the public *advocate* [defender], and shall be covered by the merit system.

(5) Secretarial, clerical, and other personnel shall be appointed by the public *advocate* [defender], and shall be covered by the merit system.

Section 21. KRS 31.030 is amended to read as follows:

The duties of the office *for* [of] public *advocacy* [defender] shall include, but are not limited to:

(1) Administering the statewide public *advocacy* [defender] system created by this chapter or by any other appropriate legislation or court decision;

(2) Providing technical aid to local counsel representing indigents;

(3) Assisting local counsel on appeals or taking appeals for local counsel, in the same manner as such appeals for the Commonwealth are presently handled by the attorney general;

(4) Developing and promulgating standards and regulations, rules, and procedures for administration of the defense of indigent defendants in criminal cases which the public *advocate* [defender], statutes, or the courts determine are subject to public assistance;

(5) Appointing district public *advocates* [defenders];

(6) Reviewing local plans for providing counsel for indigents;

(7) Conducting research into methods of improving the operation of the criminal justice system with regard to indigent defendants and other defendants in criminal actions;

(8) Issuing such rules, regulations, and standards as may be reasonably necessary to carry out the provisions of this chapter, the decisions of the United States Supreme Court, the decisions of the Kentucky Supreme Court, Court of Appeals, and other applicable court decisions or statutes; [and]

(9) *Being authorized to pursue legal, administrative, and other appropriate remedies to insure the protection of the rights of the developmentally disabled; and*

(10) Do such other things and institute such other programs as are reasonably necessary to carry out the provisions of this chapter, or those decisions or statutes which are the subject of subsection (8) of this section.

Section 22. KRS 31.050 is amended to read as follows:

(1) The public *advocate* [defender] shall review and approve or deny or suggest modifications to all plans which are submitted to the office *for* [of] public *advocacy* [defender] for defense of indigent persons.

(2) If the plan for defense of indigent persons is approved the public *advocate* [defender] may allot a sufficient sum, subject to the approval of the *secretary* [commissioner] of the executive department for finance and administration to the county or counties in the judicial circuit involved for the purpose of assisting the said plan. The moneys shall be divided among the counties in the circuit as provided by the plan which is submitted. At the end of each funding period any moneys not expended shall revert to the state office *for* [of] public *advocacy* [defender]. Counties and other units submitting applications under this chapter shall be obligated to pay and shall pay all costs incurred in their own defense of indigent programs which are in excess of the maximum amount allotted or other maximum amount of grant as specified in this chapter.

Section 23. KRS 31.060 is amended to read as follows:

Each county with a judicial district containing ten (10) or more circuit judges shall establish and maintain an office of district public *advocacy* [defender] and submit a plan for the operation thereof to the office *for* [of] public *advocacy* [defender]. If the plan submitted is approved by the office *for* [of] public *advocacy* [defender] the public *advocate* [defender] shall grant to the county the amount to which it would be entitled under KRS 31.050(2) which shall be used as the Commonwealth's share in defraying the expenses of the program in that district. The county and other units contributing to the costs of the program shall be obligated to pay and shall pay all costs incurred in the operation of the defense of indigents program which are in excess of the state contribution. Any excess of moneys remaining at the end of the funding period shall be returned to the office *for* [of] public *advocacy* [defender].

Section 24. KRS 31.065 is amended to read as follows:

If a county or district chooses none of the alternatives provided by KRS 31.160 or if a plan submitted to the public *advocate* [defender] is denied as provided by KRS 31.050, then the public *advocate* [defender] may establish in a county containing less than ten (10) circuit judges (a) an office of district public *advocate* [defender],which shall be staffed by a district public *advocate* [defender] who shall be an attorney, and any number of assistant public *advocates* [defenders] necessary to perform adequately the functions of said office, or (b) an assigned counsel plan as described in KRS 31.160(1)(c).

Section 25. KRS 31.070 is amended to read as follows:

If a judicial circuit, through the county or counties therein, adopts a plan involving appointed counsel the public *advocate* [defender] is hereby authorized to pay reasonable and necessary fees and expenses subject to the following limitations:

(1) No fee shall be paid in excess of $1,000 for any defense of a single person in any case;

(2) In the case of multiple defendants no fee shall be paid in excess of $1,000 for each defendant in the case; and

(3) Each fee plus expenses incurred in the defense shall be presented by the defense attorney to the circuit court judge who shall review the fee and expenses request and shall approve, deny, or modify the amount of compensation and fee listed therein. After final approval of the fee and expenses the circuit judge shall, if state compensation is desired, certify the amount and transmit the document to the public *advocate* [defender] who shall review the fee and expense request and shall approve, deny, or modify the request. The request as approved or modified shall then be paid. Requests for payment of assigned counsel by the state shall be denied if the district has exceeded the amount of funds which may be allotted to it, if the district plan has not been approved, or if the public *advocate* [defender] finds that compensation is otherwise not warranted. The decision of the public *advocate* [defender] in all matters of fee and expense compensation shall be final.

Section 26. KRS 31.080 is amended to read as follows:

The public *advocate* [defender] is hereby authorized to seek and apply for and solicit funds for the operation of the defense of the indigent, *or protection of the developmentally disabled* programs from any source, public or private, and to receive donations, grants, awards, and similar funds from any legal source. Said funds shall be placed in a special account for the office *for* [of] public *advocacy* [defender] and said funds shall not lapse.

Section 27. KRS 31.100 is amended to read as follows:

With regard to the district public *advocate* [defender] and approved local programs of providing counsel for indigents the following terms and standards shall apply, subject to further definition and regulation by the office *for* [of] public *advocacy* [defender].

(1) "Detain" means to have in custody or otherwise deprive of freedom of action;

(2) "Expenses," when used with reference to representation under this chapter, includes the expenses of investigation, other preparation, and trial, together with the expenses of any appeal;

(3) "Needy person" or "indigent person" means a person who at the time his need is determined is unable to provide for the payment of an attorney and all other necessary expenses of representation;

(4) "Serious crime" includes:

(a) A felony;

(b) A misdemeanor or offense any penalty for which includes the possibility of confinement or a fine of five hundred dollars ($500) or more; and

(c) An act that, but for the age of the person involved, would otherwise be a serious crime.

Section 28. KRS 31.115 is amended to read as follows:

(1) It shall be the duty of the attorney representing a client under any public *advocacy* [defender] plan to perfect an appeal if his client requests an appeal.

(2) After the attorney has filed a notice of appeal as required by the Rules of Criminal Procedure, he shall forward to the office *for* [of] public *advocacy* [defender] a copy of the final judgment, the notice of appeal, a statement of any errors committed in the trial of the case which should be raised on appeal, and a designation of that part of the record that is essential to the appeal.

(3) No attorney participating in any public *advocacy* [defender] plan shall be compensated for his services until he has perfected an appeal for a client who requests an appeal and has filed the information required in subsection (2) of this section.

(4) Any public *advocate* [defender] attorney who is representing a client on appeal who after a conscientious examination of said appeal believes the appeal to be wholly frivolous after careful examinations of the record may request the court to which the appeal has been taken for permission to withdraw from the case. The attorney must file with that request a brief which sets forth any arguments which might possibly be raised on appeal. A copy of the request for permission to withdraw and the brief must be served upon the client in sufficient time so that the client may raise any argument he chooses to raise.

Section 29. KRS 31.120 is amended to read as follows:

(1) The determination of whether a person covered by KRS 31.110 is a needy person shall be deferred no later than his first appearance in court or in a suit for payment or reimbursement under KRS 31.170, whichever occurs earlier. Thereafter, the court concerned shall determine, with respect to each step in the proceedings, whether he is a needy person. However, nothing herein shall prevent appointment of counsel at the earliest necessary proceeding at which said person is entitled to counsel, upon declaration by said person that he is needy under the terms of this chapter. In such event the person involved shall be required to make reimbursement for the representation involved if he later is determined not a needy person under the terms of this chapter.

(2) In determining whether a person is a needy person and in determining the extent of his inability to pay, the court concerned shall consider such factors as income, property owned, outstanding obligations, and the number and ages of his dependents. Release on bail, or any other method of release provided in KRS Chapter 431, does not necessarily prevent him from being a needy person. In each case, the person, subject to the penalties for perjury, shall certify by affidavit of indigency compiled by the pre-trial release officer, where practical, as provided under Chapter 431 and Supreme Court rules or orders promulgated pursuant thereto, such material factors relating to his ability to pay in such form as the Supreme Court prescribes.

(3) To the extent that a person covered by KRS 31.110 is able to provide for an attorney, the other necessary services and facilities of representation, and court costs, the court shall order him to provide for their payment in an amount determined by the court and may order that such payment be made in a lump sum or by installment payments. Such determination shall be made at each stage of the proceedings.

(4) The court shall order all monies collected pursuant to subsection (3) above be paid to the clerk of that court pursuant to the schedule of payment. The clerk shall forward to the office *for* [of the] public *advocacy* [defender] on a monthly basis a copy of all such orders and the monies collected pursuant thereto with an accounting as to each case.

(5) The affidavit of indigency shall be as set out herein:

Commonwealth of Kentucky
County of ______________

Affiant , being first duly sworn says that he is not now represented by private counsel and that he does not have the money or assets out of which to employ one; that he is indigent and requests the court to appoint counsel.

Affiant states that his income is ---------; that he owns the following property:

Description	Value
____________	____________
____________	____________
____________	____________;

that he has the following dependents:

Name	Age	Relationship
__________	______	__________
__________	______	__________
__________	______	__________;

and that he has the following obligations:

To whom owed	Amount owing
__________	__________
__________	__________
__________	__________.

____
Signature of affiant

Subscribed and sworn to before me this , day of———, 19–.

____
Signature and title of officer
administering the oath

Any persons making false statements in the above affidavit shall be subject to the penalties for perjury under KRS Chapter 523, the maximum penalty for which is five years imprisonment.

Section 30. KRS 31.130 is amended to read as follows:

At any stage, including appeal or other post-conviction proceeding, the public *advocate* [defender] may for good cause assign a substitute attorney. The substitute attorney has the same functions with respect to the needy person as the attorney for whom he is substituted. The court shall prescribe reasonable compensation for him and approve the expenses necessarily incurred by him in the defense of the needy person, and shall, if state compensation is desired, forward the request to the office *for* [of] public *advocacy* [defender].

Section 31. KRS 31.150 is amended to read as follows:

(1) The public *advocate* [defender], on behalf of the Commonwealth of Kentucky, shall recover where practical payment or reimbursement, as the case may be, from each person or his estate who has received legal assistance or another benefit under this chapter:

(a) To which he was not entitled;

(b) With respect to which he was not a needy person when he received it; or

(c) With respect to which he has failed to make the certification required by KRS 31.120(2);

(d) For funds not paid as ordered pursuant to KRS 31.120(3); and

(e) For which he refuses to pay or reimburse. Suit must be brought within five (5) years after the date on which the aid was received.

(2) The public *advocate* [defender], on behalf of the Commonwealth of Kentucky, shall recover where practical payment or reimbursement, as the case may be, from each person, other than a person covered by subsection (1), who has received legal assistance under this chapter and who, on the date on which suit is brought, is financially able to pay or reimburse the Commonwealth of Kentucky for it according to the standards of ability to pay applicable under KRS 31.100(3), 31.110(1) and 31.120(2), but refuses to do so. Suit must be brought within five (5) years after the date on which the benefit was received.

(3) Amounts recovered under this section shall be paid into a special account for the office *for* [of] public *advocacy* [defender].

(4) Any attorney participating in a public *advocacy* [defender] plan shall forward all information which he may have which indicates that payment or reimbursement may be obtained pursuant to subsections (1) and (2) of this section.

Section 32. KRS 31.160 is amended to read as follows:

(1) The fiscal court of each county, except in counties wherein the judicial district is required to maintain a public *advocate* [defender] under this chapter and in such case the county shall contribute to the funding of the district public *advocate* [defender] in such amounts as the office *for* [of] public *advocacy* [defender] shall deem reasonable and necessary, may provide for the representation of needy persons who with respect to serious crimes are subject to proceedings in the county or are detained in the county by law enforcement officers. They may provide this representation by:

(a) Establishing and maintaining an office *for* [of] public *advocacy* [defender];

(b) Arranging with an appropriate nonprofit organization to provide attorneys;

(c) Arranging with the courts of criminal jurisdiction in the county to assign attorneys on an equitable basis through a systematic coordinated plan and, if the county contains a city of the first or second class under the guidance of an administrator; or

(d) Adopting a combination of these alternatives.

(e) If a county chooses none of the alternatives set forth herein, the state shall provide a district public *advocate* [defender] as provided by this chapter.

(2) The fiscal court of a county may join with one or more other counties in its judicial district or elsewhere or with any cities located within the said county or counties in providing this representation; said agreements to be made pursuant to the provisions of KRS chapter 65.

(3) If it elects to establish and maintain an office *for* [of] public *advocacy* [defender], and if the appropriate legislative authorities and fiscal courts concerned respectively agree on qualifications, term of office, compensation, support and appointment under KRS 31.170(1), the fiscal court of a county may join with cities within said county and with the fiscal court of one or more other counties to establish and maintain a joint office *for* [of] district public *advocacy* [defender]. In that case, the participating counties shall be treated for the purposes of this chapter as if they were one (1) county. Said agreements shall be made pursuant to the provisions of KRS chapter 65.

(4) If the fiscal court of a county elects to arrange with the courts of criminal jurisdiction in the county to assign attorneys, a court of the county may provide for advance assignment of attorneys, subject to later approval by it, to facilitate representation in matters arising before appearance in court.

Section 33. KRS 31.165 is amended to read as follows:

All plans authorized by KRS 31.160 shall conform to all rules and regulations promulgated by the office *for* [of] public *advocacy* [defender].

Section 34. KRS 31.170 is amended to read as follows:

(1) If the fiscal court of a county elects to establish and maintain an office *for* [of] public *advocacy* [defender], they shall:

(a) Appoint the district public *advocate* [defender] and any number of assistant district public *advocates* [defenders] necessary to adequately perform the functions of said office.

(b) Prescribe the qualification of the district public *advocate* [defender], his term of office which may not be more than four (4) years and fix the rate of annual compensation for him and his assistants. In order to be qualified for appointment as public *advocate* [defender] a person must have been admitted to the practice of law and licensed to practice in the Commonwealth of Kentucky and be competent to counsel and defend a person charged with a crime.

(c) Provide for the establishment, maintenance and support of his office.

(2) If the fiscal court of a county elects to arrange with a non-profit organization to provide *attorneys* [defenders], the county and any cities involved may reimburse the organization for such expenses as the fiscal courts respectively concerned have determined to be necessary in the representation of needy persons under this chapter, or may provide facilities described in KRS 31.180 (2) (a) in addition to or in lieu of said reimbursement.

(3) If a court assigns an attorney to represent a needy person it shall prescribe a reasonable rate of compensation for his services and shall determine the direct expenses necessary to representation for which he would be reimbursed. The county shall pay the attorney the amounts so prescribed from the funds made available by the office *for* [of] public *advocacy* [defender].

(4) An attorney under subsection (3) shall be compensated for his services with regard to the complexity of the issues, the time involved, and other relevant considerations. However, he may be compensated at a rate no higher than thirty dollars ($30) an hour for time spent in court and no higher than twenty dollars ($20) an hour for time spent out of court subject in each case to a maximum total fee of one thousand dollars ($1000) in case of a felony and five hundred dollars ($500) in any other case, unless the court concerned finds that special circumstances warrant a higher total fee.

Section 35. KRS 31.180 is amended to read as follows:

(1) If an office *for* [of] county or district public *advocacy* [defender] has been established by the county or district, that public *advocate* [defender] may employ, in the manner and at the compensation prescribed by the fiscal court or interlocal agreement, as many assistants, clerks, investigators, stenographers and other persons as are necessary for carrying out his responsibilities under this chapter. A person employed under this section serves at the pleasure of the county or district public *advocate* [defender], unless his position is under a civil service system in which he may be removed only for cause.

(2) If an office *for* [of] county or district public *advocacy* [defender] has been established, the fiscal court or courts shall:

(a) Provide appropriate facilities, including office space, furniture, equipment, books, postage, supplies and interviewing facilities in the jail, necessary for carrying out the public *advocate's* [defender's] responsibilities under this chapter; or

(b) Grant the county or district public *advocate* [defender] an allowance in place of those facilities.

Section 36. KRS 31.200 is amended to read as follows:

(1) Subject to KRS 31.190, any direct expense, including the cost of a transcript or bystander's bill of exceptions or other substitute for a transcript that is necessarily incurred in representing a needy person under this chapter, is a charge against the county on behalf of which the service is performed.

(2) If two (2) or more counties jointly establish an office *for* [of] public *advocacy* [defender], the expenses not otherwise allocable among the participating counties under subsection (1) shall be allocated, unless the counties otherwise agree, on the basis of population according to the most recent decennial census.

(3) Expenses incurred in the representation of needy persons confined in a state correctional institution shall be borne by the state office *for* [of] public *advocacy* [defender].

Section 37. KRS 31.210 is amended to read as follows:

(1) A defending attorney shall keep appropriate records respecting each needy person whom he represents under this chapter.

(2) The public *advocate* [defender], nonprofit organization, or person administering a court-assigned *advocacy* [defender] plan, as the case may be, shall submit an annual report to the office *for* [of] public *advocacy* [defender] showing the number of persons represented under this chapter, the crimes involved, the outcome of each case, and the expenditures (totalled by kind) made in carrying out the responsibilities imposed by this chapter. A copy of the report shall also be submitted to each fiscal court and to each court having criminal jurisdiction in the counties that the program serves.

Section 38. KRS 31.240 is amended to read as follows:

In the area of relation of local programs to the state program the following are permitted:

(1) Each county or counties in a district may compensate district *advocates* [defenders], under their own employ at rates greater than the state district *advocate* [defender] but must pay from their own funds all amounts in excess of the state contribution.

(2) Each county or counties in a district may adopt their own plan of aid to the indigent provided all plans in a district, viewed as a whole, are approved by the office *for* [of] public *advocacy* [defender].

(3) Each county or counties providing for assigned counsel may compensate them at rates provided for in KRS 31.170, however, the state contribution to such compensation shall not be greater than is provided for by KRS 31.070. The county or counties shall be obligated to pay and shall pay all amounts in excess of the state contribution. No county shall be required to pay the maximum amounts provided for in KRS 31.170 unless the amounts be approved by the circuit judge.

Section 39. KRS 31.250 is amended to read as follows:

(1) No attorney participating in a public *advocacy* [defender] plan shall accept any fees for the representation of any needy person as defined in this chapter from that person or anyone for his benefit and the fees for representation of that person shall be limited to the fees provided in this chapter. "Fees" shall include cash, property, or other pecuniary benefits of any kinds.

(2) Any attorney participating in a public *advocacy* [defender] plan who receives or attempts to collect a fee from a needy person as prohibited by subsection (1) above shall be guilty of a Class D Felony.

Section 40. KRS 36.010 is amended to read as follows:

The department of military affairs shall have charge of and be responsible to the governor for the proper functioning of the Kentucky national guard, militia and all other military or naval matters of the state, and shall consist of the following divisions:

(1) Administrative divisions;
(2) Veterans division;
(3) Facilities division;
(4) Active militia division;
(5) Army national guard division;
(6) Air national guard division;
(7) Kentucky civil air patrol.

In order to promote greater efficiency, economy and improved administration, the divisional structure of the department of military affairs may be changed, redesignated or reorganized in accordance with KRS chapter 12.

Section 41. KRS 42.011 is amended to read as follows:

There is established a department of state government to be known as the executive department for finance and administration (hereinafter referred to in KRS chapter 42 as the "department"). The department shall be headed by the *secretary* [commissioner] of the executive department for finance and administration (hereinafter referred to in KRS chapter 42 as the *"secretary"* ["commissioner"]), which office is hereby created. The *secretary* [commissioner] shall be appointed by the governor and shall in addition be ex officio the secretary of the cabinet, which office is hereby created. The *secretary* [commissioner] shall be bonded as required by KRS 62.160 in the minimum amount of one hundred thousand dollars ($100,000).

Section 42. KRS 42.012 is amended to read as follows:

The *secretary* [commissioner] shall be the chief financial officer of the state and the adviser of the governor and the general assembly in financial matters, and shall at all times protect the financial interests of the state. He shall be responsible to the governor for the administration of the department.

Section 43. KRS 42.013 is amended to read as follows:

(1) The office of the *secretary* [commissioner] of the executive department for finance and administration which is hereby created shall include a *deputy secretary who* [chief executive assistant, a deputy commissioner for special projects, and a deputy commissioner for the bureau of facilities management each of whom] shall be appointed by the *secretary* [commissioner] with the approval of the governor. The *deputy secretary* [chief executive assistant] shall be responsible to and have such authority to sign for the *secretary* [commissioner] as the *secretary* [commissioner] designates in writing.

(2) There shall be a general counsel appointed pursuant to KRS 12.210 attached to the office of the *secretary* [commissioner] to provide legal services for the department. The attorney general on request of the *secretary* [commissioner] may designate the general counsel as an assistant attorney general pursuant to KRS 15.105.

(3) The *secretary* [commissioner] may employ and maintain, with the approval of the department of personnel, such other supporting staff as he deems necessary to execute the functions, duties, and responsibilities of the department.

(4) All appointments under this chapter to positions not in the classified service shall be made pursuant to KRS 12.050 and such appointees shall be major assistants to the *secretary* [commissioner] and shall assist in the development of policy.

Section 44. KRS 42.014 is amended to read as follows:

(1) There is established within the department the office for policy and management and the office *of air transport* [for local government], each of which shall be headed by an executive director responsible to the *secretary* [commissioner] and appointed by the *secretary* [commissioner] upon approval of the governor. *The executive director of the office for policy and management shall have the rank and style of deputy secretary of the department, which position shall be in addition to the position of deputy secretary authorized by KRS 42.013.* [Each of the offices shall have the duties and responsibilities assigned to it by Executive Orders 72-1167, 72-1168, 72-1169, 73-425 and 73-918 until changed by the commissioner.]

(2) There is established within the department a bureau of administrative services, *a bureau of computer services, a bureau of facilities management and a bureau of public properties* [and an office of computer services], each of which shall be headed by a *commissioner* [director] responsible to the *secretary* [commissioner] and appointed by the *secretary* [commissioner] upon approval of the governor. [There is established within the department a bureau of facilities management which shall be headed by the deputy commissioner for the bureau of facilities management.] Each of the bureaus shall have the duties and responsibilities assigned to it by the *secretary* [commissioner].

(3) The *secretary* [commissioner] shall establish the internal organization and assignment of functions which are not established by statute, and shall divide the department into such offices, bureaus, divisions or other units as the *secretary* [commissioner] may deem necessary to perform the functions, powers and duties of the department, subject to the provisions of KRS chapter 12.

Section 45. KRS 42.016 is amended to read as follows:

The following corporate bodies and instrumentalities of the Commonwealth shall be attached to the office of the *secretary* [commissioner] for administrative purposes and staff services:

(1) [State planning committee;
(2) Kentucky urban affairs council;
(3)] Kentucky health and geriatric authority;
(2) [(4)] Turnpike authority of Kentucky;
(3) [(5)] State property and buildings commission;
(4) [(6)] Kentucky housing corporation;
(5) [(7)] Kentucky pollution abatement authority;
(6) [(8)] Capital plaza authority;

(7) [(9)] Kentucky savings bond authority;
[(10) County debt commission.]
(8) County officials compensation board;
(9) Kentucky public employes deferred compensation board;
(10) Governor's design advisory council.

Section 46. KRS 42.170 is amended to read as follows:
All of the functions of the state local finance officer provided in KRS chapters 66, 68, 103 and 131 relating to the issuance of bonds and control of funds of counties, cities and other local units and county financial administration shall be exercised by the [executive] department for *local government* [finance and administration].

SECTION 47. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:
(1) There is hereby established the governor's advisory council to the office of volunteer services inside the department. The council shall advise the governor and the department on the need for and improvement of volunteer services throughout the Commonwealth.
(2) The council shall consist of ten (10) members appointed by the governor, who may designate one member as chiarman. Following the initial appointments, terms shall be for a period of three (3) years. Members shall receive twenty-five dollars ($25) per diem and necessary expenses for performance of their duties.

SECTION 48. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:
The office for policy and management established in the executive department for finance and administration by KRS 42.014 shall have and perform functions and duties as follows:
(1) Assist with the staff planning functions of the state planning committee. The deputy secretary of the executive department for finance and administration for the office for policy and management shall serve as secretary of the state planning committee.
(2) Statewide clearinghouse functions and statewide plan review and coordination as provided by Memorandum A-95 of the United States Office of Management and Budget; program plan review and analysis; executive policy implementation and compliance; and, capital outlay planning.
(3) Functions vested in the executive department for finance and administration relative to the preparation, administration, and evaluation of the executive budget as provided in KRS Chapter 45 and in other laws, including but not limited to, capital construction budgeting, evaluation of state programs, program monitoring, financial and policy analysis and issue review.
(4) Continuous evaluation of statewide management and administrative procedures and practices, including but not limited to, organizational analysis and review, economic forecasting, technical assistance to state agencies, forms control, and special analytic studies as directed by the secretary or the governor.
(5) The department's functions relative to state debt and investment management, including but not limited to, the sale of bonds, surplus funds management, and debt service payments.
(6) Except as otherwise provided by law, the coordination of federal-state relations, including but not limited to, coordinating the flow of information between the federal and state governments; federal revenue sharing monitoring within this state; federal legislation review; coordination and oversight of federal aid programs; and federal-state relations policy.

SECTION 49. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:
The office of air transport established in the executive department for finance and administration by KRS 42.014 shall be responsible for the management, administration and operational control of the Capital City Airport and of all air related real properties and appurtenances thereto located at the Capital City Airport not under the exclusive control of another state agency, and shall provide for and oversee the maintenance and care of all state-owned aircraft and control the scheduling and operational use thereof by all state agencies, and attend to the collection from using agencies and officers of the cost of operating said aircraft. Subject to the approval of the secretary as to the reasonableness thereof, the office for air transport shall establish in accordance with applicable federal and state rules and regulations, fees to be paid by users of the services and facilities of the Capital City Airport. The office of air transport shall be divided for administrative purposes into a division of airport operations and a division of flight operations, each of which shall be headed by a director appointed by the secretary with the approval of the governor.

SECTION 50. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:
There is hereby recognized as established in the bureau of administrative services, executive department for finance and administration, a division of accounts and a division of purchases, each of which shall be headed by a director responsible to the commissioner of the bureau of administrative services and appointed

by the secretary, subject to the approval of the governor. The division of accounts shall perform such financial record keeping functions as the secretary directs and shall in general be responsible for and perform the functions of the department as outlined in KRS 45.300 and 45.320. The division of purchases shall be responsible for the performance of the department's purchasing functions under KRS 45.360 through 45.510, except those purchasing functions related to the acquisition of interests in real property, and contractual and construction services which are related to and required in connection with the construction, renovation and repair of state-owned buildings.

SECTION 51. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) The division of printing and duplicating services is established in the bureau of administrative services, executive department for finance and administration. The division shall be headed by a director who shall be appointed by the secretary subject to the approval of the governor and who shall be responsible to and report to the commissioner of the bureau. The division shall include printing consultants to advise and assist state agencies in advance planning on an annual basis of their printing needs and a forms control unit to review the requirements of state agencies for various kinds of forms and to advise and assist state agencies in forms control, development and revisions.

(2) The division of printing and duplicating services shall provide for and supply the printing and duplicating needs of state agencies located or having their central offices in the Frankfort-Franklin County area. The provisions of KRS 57.021 notwithstanding, no program cabinet, department, agency, office or constitutional officer of the state, except the legislative research commission and the attorney general, having offices at the seat of government or required to have their offices at the seat of government, shall operate a printing or duplicating plant.

SECTION 52. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

The bureau of computer services established in the executive department for finance and administration by KRS 42.014 shall be responsible for and perform the department's functions in coordinating and supervising data processing, computers and governmental information systems as provided by KRS 42.030. The bureau shall include a deputy commissioner who shall be appointed by the secretary, subject to the approval of the governor, who shall be responsible to the commissioner of the bureau and shall perform such duties under the commissioner's supervision as may be assigned or delegated by the commissioner. The bureau shall be divided for administrative and operational purposes into a division of customer services, a division of computer operations and a division of telecommunications support, each of which shall be headed by a director appointed by the secretary subject to the approval of the governor and responsible to the commissioner of the bureau. The commissioner of the bureau shall provide for the distribution of the bureau's work among the divisions within the bureau.

SECTION 53. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

The bureau of facilities management established in the executive department for finance and administration by KRS 42.014 shall be generally responsible for performance of the department's functions and duties as outlined in KRS Chapters 45 and 56 with relation to the management and administration of the state capital construction program, including without limitation to the generality thereof, the procurement of necessary consulting services related to capital construction and building renovation projects, construction services, and supervision of building construction projects, and for the maintenance and operation of the state government's telecommunications systems. The bureau shall include a deputy commissioner who shall be appointed by the secretary, subject to the approval of the governor, who shall be responsible to the commissioner of the bureau and shall perform such duties under the commissioner's supervision as may be assigned or delegated by the commissioner. The bureau shall be divided for administrative and operational purposes into a division of engineering, a division of contracting and procurement, and a division of telecommunications, each of which shall be headed by a director appointed by the secretary, subject to the approval of the governor and responsible to the commissioner of the bureau. The commissioner of the bureau shall provide for the distribution of the bureau's work among the divisions within the bureau.

SECTION 54. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) The bureau of public properties established in the executive department for finance and administration by KRS 42.014 shall be responsible for the administration and performance of the department's functions and duties under KRS Chapters 45 and 56, in the areas of acquiring real property and interests in real property needed for use by state agencies; the disposition of real and personal property no longer needed for use by the state; the formulation of preventive maintenance programs for state agencies and institutions and mechanical and building maintenance programs; space utilization and allocation; property inventories, housekeeping, landscaping, routine maintenance and security of state facilities located in Frankfort, and such other functions and duties relative to the management and control of the state's real property as may be assigned by the secretary.

(2) There shall be included in the bureau a deputy commissioner who shall be appointed by the secretary, subject to the approval of the governor, and who shall be responsible to the commissioner of the bureau and shall under the commissioner's supervision perform such duties as may be assigned or delegated by the commissioner.

(3) The bureau shall be divided for administrative purposes into a division of real properties, a division of property management and a division of physical plant, each of which shall be headed by a director appointed by the secretary, subject to the approval of the governor, and each of whom shall be responsible and report to the commissioner of the bureau. The commissioner shall provide for the distribution of the bureau's work among the divisions within the bureau.

Section 55. KRS 62.160 is amended to read as follows:

(1) The state officers elected by the voters of the state at large (except the governor and lieutenant governor), the heads of departments and cabinets of the state government, the adjutant general, the members of the public service commission, the members of the state fair board and fish and wildlife resources commission, and the members of the Kentucky board of tax appeals and the alcoholic beverage control board, shall each give bond. The amounts of the bonds shall be fixed by the governor, which amounts as to those offices set forth in subsection (2) of this section shall be not less than the amounts set forth for the respective offices. At any time when it appears to be to the interest of the commonwealth the governor may increase the penal sum of any bond or require a renewal thereof with other or additional surety.

(2) The minimum sum of the bond for the following offices shall be as follows:

Secretary of State	$ 10,000
Attorney General	10,000
State Treasurer	300,000
Secretary for Development	10,000
Commissioner of Agriculture	10,000
Secretary for Education and the Arts	10,000
Superintendent of Public Instruction	50,000
Auditor of Public Accounts	25,000
Clerk of Court of Appeals	10,000
Adjutant General	10,000
Commissioner for Finance and Administration	100,000
Commissioner of Revenue	50,000
Secretary of Transportation	50,000
Commissioner of Highways	50,000
Secretary of Justice	25,000
Commissioner of Corrections	25,000
Commissioner for Health Services	10,000
Commissioner of Labor	5,000
Commissioner for Land Resources	10,000
State Librarian	5,000
Commissioner of Mines and Minerals	5,000
Commissioner of Alcoholic Beverage Control	10,000
Commissioner of Banking and Securities	25,000
Secretary for Natural Resources and Environmental Protection	10,000
Commissioner of Insurance	50,000
Commissioner of Vehicle Regulation	10,000
Commissioner of Fish and Wildlife Resources	5,000
Secretary for Human Resources	20,000
Commissioner for Environmental Quality	10,000
Secretary for Public Protection and Regulation	10,000
Commissioner for Social Insurance	20,000
Member of Public Service Commission	10,000
Member of State Fair Board	10,000
Member of Fish and Wildlife Resources Commission	1,000
Member of Kentucky Board of Tax Appeals	10,000
Associate member of Alcoholic Beverage Control Board	5,000
Commissioner of local government	*100,000*

Section 56. KRS 64.480 is amended to read as follows:

(1) Effective, with respect to the offices of governor on December 4, 1979, and the lieutenant governor

on the fifth Tuesday following the regular November election in 1975 and with respect to the other offices named in this section, on the first Monday in January, 1976, the compensation of the following named officers, payable monthly out of the state treasury, shall be the sum per annum designated for the respective offices, as follows: governor $39,500; lieutenant governor, an amount sufficient, when added to any per diem received during sessions of the general assembly while serving in the capacity of president of the senate, to equal $27,900 per annum, plus any compensation received while acting in the place of the governor; attorney general, superintendent of public instruction, commissioner of agriculture, secretary of state, state treasurer, auditor of public accounts, and clerk of the Supreme Court of Kentucky elected in November, 1975, as clerk of the Court of Appeals $27,900.

(2) In order to equate or adjust the compensation of the lieutenant governor, attorney general, superintendent of public instruction, commissioner of agriculture, secretary of state, state treasurer, auditor of public accounts, and clerk of the Supreme Court of Kentucky with the purchasing power of the 1949 dollar, the *executive* department *for finance and administration* [of commerce] of Kentucky shall compute by the second Friday in February of every year, beginning in 1977, the maximum permissible compensation of the officials mentioned in subsection (2) hereof based precisely uypon the consumer price index formula approved in Matthews v. Allen, Kentucky, 360 S.W. 2d 135 (1962). Thus the maximum permissible compensation effective for the entire year of 1977 and subsequent years will be the actual compensaiton to be paid said officials. The year of adjustment will be the particular full calendar year involved.

(3) It is the intention of the legislature that the constitutionally permissible adjustment of salaries of these officials be framed around equating current salaries with the purchasing power of the dollar in 1949 when section 246 of the Kentucky Constitution was amended. Section 246 of the Constitution, as amended, established a monetary level of $12,000 per annum for said officials. The formula merely effects an adjustment of the constitutional monetary level in terms of the current consumer price index.

Section 57. KRS 66.045 is amended to read as follows:

(1) It is the intent of this section to facilitate, through state technical and advisory assistance, the marketing of local government bonds and other long-term obligations at the lowest possible net interest costs.

(2)(a) "Local government" means a county, city, and other special-purpose district, authority, or public corporation, except a school district, within the state, but which exercises less than statewide jurisdiction.

(b) "Governing body" means the board, commission, or other such body charged with exercising the legislative authority of a local government.

(c) *"State local finance officer", as used in this chapter and other provisions of law, shall be the department for local government* ["Agency" means the state local finance officer].

(d) "Chief financial officer" means the comptroller, treasurer, director of finance or other local government official charged with managing the fiscal affairs of a local government.

(e) "Bonds," as used anywhere in this chapter, means debt payable more than one (1) year after date of issue or incurrence, issued pursuant to the laws authorizing local government borrowing.

(3) Without first notifying the state local finance officer in writing, no bonds may be issued by or on behalf of any local government. The notification shall contain the maturity schedule, interest rate, date of issue, purpose, paying agent, and such other information as the state local finance officer may require to provide a complete file on local government debt.

(4) The state local finance officer may provide technical and advisory assistance regarding the issuance of long-term debt to those local governments whose governing bodies request such assistance. Such assistance shall include, but need not be limited to, (a) advice on the marketing of bonds by local governments, (b) conduct of training courses in debt management for local financial officers, and (c) promotion of the use by local governments of such tools for sound financial management as adequate systems of budgeting, accounting, auditing, and reporting.

[(5) To facilitate the accomplishment of the purposes of this section, the state local finance officer shall have the following powers or duties:

(a) To require such reports from local governments as will enable it adequately to provide the technical and advisory assistance authorized by this section. The reports shall provide the necessary information for a complete file on local government debt, which shall be kept open for public inspection at the state local finance offices.

(b) To encourage, conduct, or participate in training courses in debt and general fiscal management and procedures and practices for the benefit of local officials, and in connection therewith, to cooperate with associations of public officials, business and professional organizations, university faculties, or other specialists.

(c) To conduct studies in debt management, including ways and means of appraising the terms of alternative bids.

(d) To request such assistance and information, which shall be provided not inconsistent with law, from all departments, divisions, boards, bureaus, commissions, and other agencies of state government which the state local finance officer may require to enable it to carry out its duties under this section.

(e) At its discretion, to compile and publish annually a report. Such report may include detailed information on local government long-term debt issued and retired during the previous year and outstanding, and other available statistical data on local government finances.]

Section 58. KRS 66.370 is amended to read as follows:

(1) On or before the fifteenth day of July of each year, the county judge/executive of each county in this commonwealth shall, for the fiscal year immediately preceding, deliver to the state local finance officer a report showing for the county the total amounts of each and every issue of outstanding bonds and the amount of unfunded debt, if any, together with the interest rate or rates of all indebtedness, sinking fund balances, sinking fund investments or deposits and earnings, payments of debt principal and interest, and such other information respecting indebtedness, whether or not herein enumerated, as the commission may by regulation require.

(2) A county may, by order of its fiscal court, surrender to the state local finance officer all money in hand, notes, bonds, accounts or other credits representing assets available, and such other sums which may hereafter become available from any and all sources, for paying the principal and interest of any bonded debt of the county; Provided, however, That if a county surrenders the sinking fund for any bond issue payable either from the tax levy authorized by section 157 or by section 157a of the constitution of Kentucky or from any special tax levy authorized by law, it must surrender also the sinking funds for all other bonds payable from the same tax levy as herein defined. Such surrender shall be irrevocable on the part of the county. Provided further, That any county which has a bond issue approved under the provisions of KRS 66.310 is required to comply with the provisions of this subsection with respect to the sinking funds for the bonds thus approved and for any other bonds payable from the same tax levy as herein defined. The county judge/executive of any county complying with the provisions of this subsection is hereby relieved of the requirement to submit the annual reports hereinabove specified in this section insofar as these apply to bonded debts, the sinking funds for which have been surrendered to the state local finance officer.

(3) All cash so received by the state local finance officer shall be deposited with the state treasurer to the credit of a fund designated the "county sinking fund." All assets other than cash shall be deposited with the state treasurer and shall be liquidated, upon authorization of the commission, within a reasonable time.

(4) The county treasurer of any county complying with the provisions of this section shall remit monthly to the state local finance officer all moneys received from any tax levy made for the exclusive purpose of paying principal and interest on any bonds. Any moneys appropriated in the county budget from any other source or any moneys required by law to be used for the same purpose shall be remitted as required for paying any principal and/or interest maturities or meeting sinking fund requirements. The state local finance officer is authorized to institute actions in the Franklin Circuit Court to enforce the provisions of this subsection or to recover any such funds as may have been misapplied.

(5) Accounts showing the county sinking fund receipts and disbursements shall be kept by the state local finance officer for each bond issue of each county for which deposits are made in said fund. As of the close of the county fiscal year the state local finance officer shall, within thirty (30) days thereafter, render to the judge of each county having deposits in said fund a statement thereof for each bond issue of that county. On or about the first day of May of each year, the state local finance officer shall deliver to the county judge/executive, as chairman of the county budget commission, an estimate of the principal and interest requirements of outstanding bonds issued by said county or of the proportionate annual amount which should be deposited in a sinking fund.

(6) Disbursements from the county sinking fund shall, when authorized by the state local finance officer, be made in the same manner as other claims on the commonwealth are paid. Disbursements may be made only for (a) the payment of principal or interest, or both, of the bonds for which the deposit was made, and (b) the investment of such funds as is hereinafter authorized.

(7) All coupons and bonds for the payment of which deposits are made in the county sinking fund shall be paid either directly by the state local finance officer or by the bank designated as paying agent. Such bank may be paid a reasonable fee for such services by the department *for local government* [of finance] out of its appropriation. All paid bonds and coupons shall be surrendered to the state local finance officer and canceled, and shall be delivered to the judge/executive of each county along with the annual statement provided for in this section.

Section 59. KRS 66.390 is amended to read as follows:

Ownership of obligations of Kentucky counties shall disqualify the commissioner of *the department for local government* [finance] or any of his appointees from serving in any capacity incident to the administration of KRS 66.280 to 66.380, or KRS 68.220, 68.250, 68.270, 68.280, 68.310, 68.320 or 68.370.

Section 60. KRS 68.210 is amended to read as follows:

The administration of the county uniform budget system shall be under the supervision of the *state local finance officer which* [executive department for finance and administration, and the department] may inspect and shall supervise the administration of accounts and financial operations and shall prescribe and shall install, by January 1975, a system of uniform accounts for all counties and county officials. It may require all officials of all local governments and local taxing districts to submit such annual financial reports as it may deem proper. It may investigate, examine, and supervise the accounts and operations of all local governments and local government officers. This section does not impose upon or transfer to the *state local finance officer* [department] any post audit functions.

Section 61. KRS 68.220 is amended to read as follows:

The fiscal affairs of each county, except those pertaining to education, shall be administered by the fiscal court under a uniform budget system. The county budget shall provide for all the funds to be expended by the county from current revenue for each fiscal year. The *state local finance officer* [department of finance] shall classify the counties for budget purposes upon the basis of their populations and expenditures, or upon some other proper basis, and may classify them in the same manner for the purpose of prescribing accounts.

Section 62. KRS 68.340 is amended to read as follows:

(1) The clerk of the fiscal court shall keep an appropriation ledger, containing separate accounts for each budget fund. Each account shall show in detail the amount of the original appropriation, all transfers to or from the budget fund, all expenditures duly approved by the fiscal court and properly chargeable to the fund, and the unencumbered balance remaining in the fund.

(2) The county treasurer shall keep a budget ledger, in which he shall, immediately after the adoption of the county budget by the fiscal court, credit each budget fund provided for in the budget, and he shall account for each budget fund separately.

(3) The appropriation ledger, the books of the county treasurer and all fiscal court orders relating thereto or relating to claims of any nature shall be open for inspection at all reasonable times to any taxpayer, and the county treasurer's books shall at all times be open to inspection by the members of the fiscal court.

[(4) All books, blanks and forms required to be used by county officials in the administration of the fiscal affairs of the county under the budget laws shall be provided and paid for by the county and approved by the department of finance.]

Section 63. KRS 68.350 is amended to read as follows:

The state local finance officer shall prescribe the books, blanks and forms to be used by county officials in the administration of the fiscal affairs of the county under the budget laws. He [The department of finance] shall examine the budget records and make such investigations as may be necessary to determine the condition of the financial affairs of each county. If the *state local finance officer* [department] finds that any county officer or member of a county budget commission is wilfully violating or neglecting the duties imposed by KRS 68.210 to 68.370, *he* [it] may institute legal proceedings in the Franklin Circuit Court to compel compliance with the law.

Section 64. KRS 147.072 is amended to read as follows:

(1) There is established an office for *program administration* [state planning] under and attached to the office of the secretary of the cabinet.

(2) The office shall be headed by a director, *who shall be an exeutive assistant to the governor, program administration* [appointed by the secretary of the cabinet, subject to the written approval of the governor]. The director may appoint and employ, with the concurrence of the secretary of the cabinet, such assistants and other personnel as the director deems necessary to carry out and perform the functions vested in the office for *program administration* [state planning].

(3) The office for *program administration* [state planning] shall provide staff services for and advise the state planning committee in carrying out its functions and duties pertaining to the approval of state planning studies as may be approved by the state planning committee for funding out of the state planning fund.

(4) The office shall develop policies, criteria, guidelines and procedures for the proper utilization of research and planning consultants for approval by the state planning committee.

Section 65. KRS 147.075 is amended to read as follows:

As used in KRS 147.070 to 147.120 the term "governor's cabinet" shall mean the "governor's executive cabinet" and such other persons as the governor may designate to compose the membership of the "state planning committee." The governor shall serve as chairman of the state planning committee, the secretary of the cabinet shall serve as vice chairman, and the director of the office for *program administration* [state planning] shall serve as secretary.

Section 66. KRS 147.340 is amended to read as follows:

(1) All members of the council shall be citizens eligible to vote in elections in the commonwealth;

(2) The council shall select one of its members as chairman, another as vice-chairman, and another as secretary at its first regular meeting;

(3) The council may request and receive the assistance of any state or municipal educational institution, experiment station, or other agency when it is deemed necessary or beneficial by the council in the performance of its duties;

(4) Staff services for the council shall be performed, insofar as practical, by the [executive] department for *local government* [finance and administration] in cooperation with the department for natural resources and environmental protection, and the commissioner of the [executive] department for *local government* [finance and administration] shall appoint and employ in the manner prescribed by law such persons as may be needed for the performance of such staff services;

(5) The council shall hold regular meetings at least once every three months, the time and place of which shall be determined by the council. Special meetings may be called by the chairman or by four members of the council by delivery to each member of the council a written notice thereof at least five days in advance of the date of any such meeting. A majority of the members of the council shall constitute a quorum at any meeting. The council shall establish bylaws for the conduct of its meetings and shall keep an accurate record of all its proceedings;

(6) No salary or other compensation shall be allowed any appointed member of the council, but each member may be reimbursed for actual and necessary expenses incurred in the performance of official duties;

(7) The council shall be attached to the [executive] department for *local government* [finance and administration] for administrative purposes.

Section 67. KRS 147.360 is amended to read as follows:

(1) The council shall be the Kentucky agency to fulfill federal requirements for councils associated with federal programs designed to provide support for state land use planning functions.

(2) The council is hereby authorized to accept gifts and grants for land use planning purposes, and to set priorities for the expenditure of state and federal monies for land use planning purposes, but all such monies shall be administered by the [executive] department for *local government* [finance and administration]

(3) The council and the commissioner of the [executive] department for *local government* [finance and administration] are hereby authorized to take all steps necessary and appropriate to qualify the Commonwealth for the receipt of federal grants for land use planning purposes.

Section 68. KRS 147A.020 is amended to read as follows:

(1) The department for local government shall exercise all administrative functions of the state as provided in the county debt act, KRS 66.280 to 66.390; as regards county and local government budgets as provided in KRS 68.210 to 68.370; and as to local government bonds as provided in KRS 66.045.

(2) The department for local government shall have the following powers and duties:

(a) To require such reports from local governments as will enable it adequately to provide the technical and advisory assitance authorized by this section. The reports shall provide the necessary information for a complete file on local government debt, which shall be kept open for public inspection at the state local finance offices.

(b) To encourage, conduct, or participate in training courses in debt and general fiscal management and procedures and practices for the benefit of local officials, and in connection therewith, to cooperate with associations of public officials, business and professional organizations, university faculties, or other specialsts.

(c) To conduct studies in debt management, including ways and means of appraising the terms of alternative bids.

(d) To request such assistance and information, which shall be provided by all departments, divisions, boards, bureaus, commissions, and other agencies of state government to enable the state local finance officer to carry out his duties under this section.

(e) At its discretion, to compile and publish annually a report. Such report may include detailed information on local government long-term debt issued and retired during the previous year and outstanding, and other available statistical data on local government finances.

(3) The [executive] department for *local government* [finance and administration] shall coordinate for the Governor the state's responsibility for, and shall be responsible for liaison with the appropriate state and federal agencies with respect to the following programs:

(a) [(1)] Housing and Urban Development Act [(Housing Act of 1954,] as amended [)];

(b) [(2)] Demonstration Cities and Metropolitan Development Act *as amended* [of 1966 (PL 89-754, Titles I, II, VIII, IX);

(3) Land and Water Resources Act (PL 89-80)].

(4) The department for local government shall provide technical assistance and information to units of local government, including but not limited to:

(a) Fiscal management;

(b) Personnel administration;

(c) Purchases and contracts;

(d) Ordinances and codes;

(e) Community development.

Section 69. KRS 147A.060 is amended to read as follows:

There shall be in each area development district a board of directors. The composition of the board and the terms and appointments of its members in each district shall be specified by administrative regulation issued by the [executive] department for *local government* [finance and administration] pursuant to KRS Chapter 13. The [executive] department for *local government* [finance and administration] in specifying the composition of the board shall conform to applicable federal requirements.

SECTION 70. A NEW SECTION OF KRS CHAPTER 147A IS CREATED TO READ AS FOLLOWS:

(1) The department for local government shall be headed by a commissioner, and shall be divided for administrative purposes into such divisions as the commissioner, with the approval of the governor, determines.

(2) The commissioner, with the approval of the governor, shall appoint necessary deputies, assistants, attorneys and other employes and shall fix their compensation and authorize payment of their expenses according to law.

(3) The commissioner shall be the state local finance officer and he may delegate the duties to his agent designated in writing with the approval of the governor.

SECTION 71. A NEW SECTION OF KRS CHAPTER 147A IS CREATED TO READ AS FOLLOWS:

(1) The department for local government shall administer distribution of state and federal planning funds to area development districts and shall require by regulation such financial and operational reports, audits and other controls as are necessary to assure compliance with state and federal laws relating to funds received by the area development districts.

(2) The department for local government shall issue such regulations as will assure statewide coordination of the planning and assistance operations of the area development districts.

SECTION 72. A NEW SECTION OF KRS CHAPTER 147A IS CREATED TO READ AS FOLLOWS:

(1) The local government advisory commission is hereby established and shall advise the department for local government on issues relating to the needs of the area development districts and local governments in Kentucky.

(2) The local government advisory commission shall have fifteen (15) members, consisting of the chairman of the board of directors of each of the fifteen (15) area development districts. The governor shall select one of this number to serve as chairman of the commission at the pleasure of the governor.

(3) The members of the local government advisory commission shall serve without compensation, but shall be reimbursed the reasonable and necessary expenses incurred by the members in performing the work of the commission.

Section 73. KRS 147B.030 is amended to read as follows:

The office of business development and government services of the university of Kentucky shall, with the cooperation of other institutions and agencies, conduct the basic studies necessary to fulfill the duties and responsibilities of the council. The director of said office shall serve as the executive director of the council. The council may, subject to the approval and directions of the *secretary of the development cabinet* [commissioner of the executive department for finance and administration], be attached for administrative purposes to said office.

Section 74. KRS 152.020 is amended to read as follows:

(1) There is hereby created an agency of the state government to be known as the department of commerce, which shall constitute a department of the state government within the meaning of KRS chapter 12. The department shall consist of a commissioner and such administrative bodies and employes as are provided by law.

(2) The department, subject to the provisions of KRS 12.010 to 12.190, shall be organized into a division devoted to industrial development, a *division devoted to agribusiness* [business development division], a division devoted to research and planning, a division devoted to *existing industries* [community services, a division devoted to commercial development], a division devoted to development of minority business enterprise, a division devoted to international trade and reverse investment and such other divisions and sections as are from time to time deemed necessary for the proper and efficient operation of the department.

(3) The executive officer of the department shall be the commissioner of the department of commerce. The commissioner shall be appointed by the governor and shall serve at the pleasure of the governor. The commissioner shall have general supervision and direction over all activities and functions of the department and its employes, and shall be responsible for carrying out the programs and policies of the department. The commissioner shall be the chief executive officer of the department and, as such, shall have authority to enter into contracts, subject to the approval of the secretary of the development cabinet and the commissioner of the executive department for finance and administration, when such contracts are deemed necessary to implement and carry out the program of the department.

Section 75. KRS 152.060 is amended to read as follows:

(1) The department shall assemble and keep in the offices of the department such information relating to natural resources, industrial sites, labor supply, water, fuel, power, wage rates, taxation and assessments, transportation and communication facilities and such other information as may be useful in executing the provisions of KRS 152.010 to 152.080. Such information shall be made available to any enterprise which, in the discretion of the commissioner, is legitimate and which contemplates location or operation within the Commonwealth. Such information shall, in the discretion of the commissioner, be made available to any governmental or private agency interested in securing the location or operation of any such legitimate enterprise within the Commonwealth.

(2) The department shall obtain from enterprises interested in locating and operating within the Commonwealth information relating to the nature of the enterprise, its financial responsibility, manpower requirements, probable consumption of raw materials and such other information as may be useful in securing the location of such enterprise in the Commonwealth.

(3) The department shall be the primary industrial and commercial development agency of the Commonwealth of Kentucky in matters relating to the private sector of the state's economy. The department shall carry out programs relating to industrial and commercial development, research and planning, *existing industries, agribusiness* [community services], minority business enterprise, international trade and reverse investment, and other programs designated by the governor.

SECTION 76. A NEW SECTION OF KRS CHAPTER 152 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky film commission is created as an agency of state government, and it shall be attached to the department of commerce for administrative and budgetary purposes. The commission shall serve in an advisory capacity to the Commonwealth in the planning and implementation of programs dealing with the film industry.

(2) The commission shall consist of twenty (20) members appointed by the governor, with the commissioner of the department of commerce as the chairman. The commissioner of the department of public information shall serve ex officio. The other eighteen (18) members shall be appointed by the governor on the basis of their interest in or relationship to the development of a film industry in Kentucky, one of whom shall be designated as vice-chairman. Members shall serve for a term of one (1) year. Members of the commission shall receive twenty-five dollars ($25) per diem and necessary expenses for performance of their duties.

(3) In order to expedite the business of the commission, an executive committee is hereby created consisting of seven (7) members selected by the governor, with the commissioner of the department of commerce serving as chairman. This executive committee is empowered to act for the commission in the formulation, direction, and execution of its policies.

(4) Meetings of the commission and of its executive committee shall be called by the chairman. A majority either of the commission or of the executive committee, shall constitute a quorum for the purpose of doing business.

(5) The chairman of the commission, subject to the prior written approval of the governor, shall appoint an executive director who shall serve as the chief operating officer of the commission. The executive director, subject to the approval of the chairman, shall have the authority to hire personnel, to prescribe their duties, and to fix their compensation within the limitations imposed by law.

(6) The commission shall have all necessary and appropriate powers to carry out these responsibilities:

(a) Establishment of a close working relationship with film industry representatives in this country and abroad, if appropriate;

(b) Coordination of locational activities in Kentucky;

(c) Provision of liaison activities during actual film production;

(d) Performance of all appropriate research and background work related to determination of film industry plans and requirements;

(e) Establishment of an aggressive promotional and informational effort designed to attract producers to Kentucky.

(7) The commission shall have the cooperation and assistance of the department of commerce, the department of public information, and all other state agencies. Such state agencies are authorized to inter-account the commission for goods and services, except that the department of commerce shall provide reasonable access to and use of the department of commerce's west coast office without charge. Similary the department of public information shall supply photographic services and promotional material for each prospective film location at no cost.

Section 77. KRS 152A.010 is amended to read as follows:

(1) There is created within the development cabinet an agency of state government to be known as the department of energy, which shall constitute a department of the state government within the meaning of KRS Chapter 12. The department shall consist of a commissioner, an energy resources advisory commission and such administrative bodies and employes as are provided for by law.

(2) The department, subject to the provisions of KRS 12.010 to 12.141, shall be organized into a division of conservation, a division of allocation and a division of resource development.

(3) The commissioner of the department of energy shall be appointed by the governor and shall serve at the pleasure of the governor. The commissioner shall have general supervision and direction over all activities and functions of the department and its employes, and shall be responsible for carrying out the programs and policies of the department. He shall be the chief executive officer of the department and, as such, shall have authority to enter into contracts, subject to the approval of the commissioner of the executive department for finance and administration, when such contracts are deemed necessary to implement and carry out the programs of the department. He shall serve as the governor's energy allocation, conservation and development policy adviser, *and representative on the southern interstate nuclear board of the national governors' conference.*

(4) The department of energy shall be the state agency with primary responsibility for all non-research energy programs not otherwise assigned to existing agencies. The primary purpose of the department will be to develop and recommend programs for the development and utilization of energy in a manner to meet essential human needs while maintaining the Kentucky economy at the highest feasible level.

Section 78. KRS 152A.410 is amended to read as follows:

(1) There is hereby created a board of energy research. The governor shall serve as chairman. The administrator of the Kentucky center for energy research shall serve as a member of the board and vice-chairman. The following named officials shall serve as members of the board ex-officio:

(a) The secretary of development, or his designee;

(b) The commissioner, department of energy;

(c) The secretary of natural resources and environmental protection, or his designee;

(d) The secretary of transportation, or his designee;

(e) The secretary of the cabinet, or his designee;

(f) The director, office *for program administration* [of state planning];

(g) The dean of the college of engineering, University of Kentucky;

(h) The dean of the University of Louisville, Speed Scientific School;

(i) *The secretary of the executive department for finance and administration;*

(j) Six (6) [Five (5)] additional members shall be named by the governor.

(2) The board shall meet at least once each calendar quarter or more often on the call of the chairman, or with the chairman's approval, at the call of the vice-chairman.

(3) The board shall be responsible for approving demonstration projects to be supported by the energy development and demonstration trust fund.

(4) The board is authorized to solicit, receive and administer federal or state agency funds in relation to federal or state programs of long-range energy planning research and demonstration projects.

(5) The administrator and the staff of the center shall serve as staff for the board. The board shall also advise the administrator in establishing long-range goals and objectives for the center. Members of the board shall not be otherwise compensated but shall be reimbursed for expenses incurred in connection with the exercise of their duties at the center.

Section 79. KRS 154.320 is amended to read as follows:

(1) The commission shall consist of the commissioner of commerce, *the secretary of the cabinet for development* and five (5) citizens chosen by the governor from each of the districts created in KRS 154.321.

The citizen members shall be appointed for original terms of one (1), two (2), three (3), and four (4) years. Their successors shall be appointed for a term of four (4) years and each shall be eligible for reappointment. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

(2) A majority of the members shall constitute a quorum for the purpose of organizing the commission and conducting the business thereof. The members shall elect a chairman from the five (5) citizen members and the executive director shall serve as secretary. Meetings may be called by the chairman or at the request of three (3) or more members.

(3) Members of the commission shall not receive any compensation for their services as members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members of the commission.

(4) Any members of the commission may be removed by the governor for inefficiency, neglect of duty, malfeasance, or conflict of interest. The governor shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next commission meeting, which shall be open to the general public. The member so removed shall have the right of appeal to the Franklin circuit court.

Section 80. Kentucky Revised Statutes are amended as follows:

The Reviser of Statutes is directed to change the phrase, "state board of education" to "state board for elementary and secondary education" in each and every place such phrase appears in the following statutes to wit: KRS 41.240, 58.150, 66.480, 156.022, 156.074, 156.076, 156.080, 156.090, 156.095, 156.132, 156.134, 156.136, 156.138, 156.152, 156.153, 156.154, 156.210, 156.255, 156.275, 156.400, 156.405, 156.410, 156.437, 156.447, 156.470, 156.472, 156.474, 156.476, 156.540, 156.610, 156.620, 156.640, 157.010, 157.060, 157.100, 157.110, 157.120, 157.130, 157.140, 157.150, 157.160, 157.170, 157.190, 157.200, 157.220, 157.221, 157.224, 157.230, 157.250, 157.280, 157.305, 157.315, 517.320, 157.350, 157.360, 157.370, 157.390, 157.410, 157.420, 157.510, 157.520, 157.570, 158.060, 158.070, 158.100, 158.110, 158.120, 158.310, 158.330, 158.405, 158.425, 158.450, 158.470, 158.515, 158.530, 158.535, 158.540, 159.030, 159.040, 159.070, 159.080, 159.130, 159.140, 159.170, 159.260, 160.020, 160.030, 160.041, 160.045, 160.048, 160.049, 160.180, 160.190, 160.210, 160.290, 160.293, 160.340, 160.370, 160.380, 160.390, 160.460, 160.470, 160.476, 160.477, 160.510, 160.550, 160.560, 160.570, 160.593, 160.599, 160.640, 161.042, 161.044, 161.100, 161.110, 161.120, 161.126, 161.159, 162.170, 162.180, 162.185, 167.015, 167.025, 167.035, 167.140, 167.150, 167.160, 167.170, 167.230, 168.020, 189.540, 319.015 and 335.010.

Section 81. Kentucky Revised Statutes are amended as follows:

The Reviser of Statutes is directed to change the phrase, "state board of education" to "state board for occupational education" in each and every place such phrase appears in the statutes to wit: KRS 163.030, 163.070, 163.085, 163.086, 163.087, 163.120, 163.140, 163.180, 164.050, 164.740, 165A.040, 317A.150 and 343.020.

Section 82. KRS 156.010 is amended to read as follows:

(1) The department of education shall consist of the state board *for elementary and secondary education, the department for elementary and secondary education, the state board for occupational education, the department for occupational education,* [of education] and the superintendent of public instruction, who shall be the *executive officer* [head] of the department.

(2) The superintendent of public instruction shall appoint a deputy superintendent of public instruction who is authorized to act in the absence of the superintendent of public instruction.

(3) The superintendent of public instruction shall have general supervision of all assistants, agents and employes. He shall be responsible for implementing policies promulgated by the state board for elementary and secondary education and the state board for occupational education. He may clothe his assistants with full power of attorney to act for him in the supervision, inspection and administration of the schools over which he has supervisory and administrative control.

(4) The division heads, assistants, agents and employes shall be reimbursed for necessary traveling expenses incurred in the performance of their official duties, and no part of the reimbursement shall be included in or accounted as a part of their salaries.

(5) [(2)] The department of education shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, vocational education, vocational rehabilitation, the Kentucky school for the blind and the Kentucky school for the deaf, and may exercise the general powers and functions relating to state vocational schools and area vocational educational centers for young people who are enrolled in regular day schools and for out-of-school youth and adults, both employed and unemployed. The department of education shall exercise also those powers relating to television in aid of education and other proper public functions, as provided in KRS 156.070.

(6) [(3)] The Kentucky school for the deaf advisory board and the state textbook commission are included in the department of education and constitute divisions thereof, but each shall continue to exercise all the functions conferred upon it by law.

(7) The state department of education in the operation and management of their schools and the programs at these schools shall meet all required federal and state standards relating to facilities and personnel qualifications; however, no license or license fee shall be required for any school or program operated by the state department of education.

Section 83. KRS 156.030 is amended to read as follows:

(1) There shall be a state board *for elementary and secondary* [of] education composed of seven (7) lay members. The board shall elect a chairman from among its members at its first regular meeting in each fiscal year. Beginning with 1940 the governor shall appoint two (2) members every year for a term of four (4) years to take the place of the members appointed under the provisions of chapter 65 of the Acts of 1934 whose terms expire that year, except that every fourth year the governor shall appoint one (1) member for a term of four (4) years to take the place of the member whose term expires that year. The term of each member of the board shall begin on July 1 in the year in which the member is appointed. In the case of a vacancy the governor shall fill the vacancy for the unexpired term. Members appointed to take the place of members whose terms expire after January 6, 1964 shall be appointed from the districts established by KRS *21A.010* [21.020] in the numerical order of the districts. The board shall be a corporation by the name of the Kentucky state board *for elementary and secondary* [of] education, with the usual corporate powers.

(2) There shall be added two (2) ex officio, non-voting members to be chosen as follows: one (1) member from the lay membership of and selected by the council on higher education, and one (1) member from the lay membership of and selected by the state board for occupational education. The two (2) ex officio members shall serve for terms of one (1) year and may be eligible for annual reappointment for as long as they remain lay members of the board/council by which they are selected. Members of the state board shall receive one hundred dollars ($100) per diem, and necessary expenses for each regular and special meeting attended.

(3) The superintendent of public instruction or his designee shall be the executive officer of the state board for elementary and secondary education.

(4) The office of deputy superintendent for the department for elementary and secondary education is hereby created and shall be filled by appointment by the superintendent of public instruction, subject to the provisions of KRS 12.050.

(5) The deputy superintendent for elementary and secondary education shall select a secretary who shall be an employe of the Kentucky state department of education. It shall be the duty of the secretary to handle the board's correspondence and maintain a permanent record of its proceedings.

(6) The primary function of the state board for elementary and secondary education shall be to develop and adopt policies and regulations by which the department for elementary and secondary education shall be governed in planning, coordinating, administering, supervising, operating, and evaluating the education programs, services and activities within the public elementary and secondary program.

(7) The state board for elementary and secondary education is hereby designated as the sole state agency for the purpose of developing and approving state plans required by state or federal laws and regulations as prerequisites to receiving federal funds for elementary and secondary educational purposes.

Section 84. KRS 156.035 is amended to read as follows:

(1) The Kentucky state board*s for elementary and secondary* [of] education *and occupational education are* [is] recognized to be [a] public *bodies* [body] corporate and politic, and *agencies* [an agency] and *instrumentalities* [instrumentality] of the Commonwealth in the performance of essential governmental functions.

(2) For the benefit of programs under their control and supervision the boards are authorized to implement the provisions of any act of Congress appropriating and apportioning funds to the state, to receive funds appropriated by the Kentucky general assembly, and to provide for the proper apportionment and disbursement of such funds in accordance with state or federal laws, and to accept and provide for the administration of any gifts, donations, or devise.

Section 85. KRS 156.040 is amended to read as follows:

The members of the state board*s for elementary and secondary* [of] education *and for occupational education* shall have the same qualifications as school board members, except that members of the state board*s for elementary and secondary* [of] education *and for occupational education* shall be at least thirty (30) years of age. Appointments shall be made without reference to occupation, political affiliation or similar considerations. No member at the time of his appointment or during the term of his service shall be engaged as a professional educator.

Section 86. KRS 156.060 is amended to read as follows:

A majority of the *voting members of the state* board *for elementary and secondary education* shall constitute a quorum for the transaction of business. The board shall meet not less than every three (3) months and at such other times as it may be called as provided in this section. Special meetings of the board may be called by the chairman, and upon written request of two (2) members the chairman shall call a special meeting of the board to be held not later than twenty (20) days following receipt of the written request. The chairman shall give notice through the secretary by registered mail or by certified mail, return receipt requested to each member of the board at least ten (10) days prior to the time of any meeting, unless all members of the board waive notice in writing. The offices of the board shall be at the seat of government in the department of education and shall be provided by the state. Members of the board may receive a per diem of *one hundred dollars ($100)* [twenty-five dollars ($25.00)] for each regular or special meeting attended and actual expenses for attending meetings, and may be reimbursed for other actual and necessary expenditures incurred in the performance of their duties authorized by the board. The per diem and expenses shall be paid out of the appropriation for the state board *for elementary and secondary* [of] education.

Section 87. KRS 156.070 is amended to read as follows:

(1) The state board *for elementary and secondary* [of] education shall have the management and control of the common schools, *and all programs operated in such schools* [public vocational education for young people who are enrolled in regular day schools and for out-of-school youth and adults, both employed and unemployed], *the Kentucky school for the deaf* [vocational rehabilitation,] and the Kentucky school for the blind.

(2)(a) It is hereby authorized to lease from the state property and buildings commission, or others, whether public or private, any lands, buildings, structures, installations and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction, throughout the Commonwealth, and for incidental use in any other proper public functions. Any such lease may be for any initial term commencing with the date of such lease and ending with the next ensuing June 30 which is the close of the then current fiscal biennium of the Commonwealth with exclusive options in favor of the board to renew the same for successive ensuing bienniums (July 1 in each even year to June 30 in the next ensuing even year); and the rentals may be fixed at such sums in each biennium, if renewed, as will be sufficient to enable the state property and buildings commission to pay therefrom the maturing principal of and interest on (and provide reserves for) any revenue bonds which said state property and buildings commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring such television and related facilities, with appurtenances and such costs as may be incident to the issuance of such bonds.

(b) Each such option of the state board *for elementary and secondary* [of] education to renew the lease for succeeding biennial term may be exercised at any time after the adjournment of the session of the general assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the state property and buildings commission in writing, signed by the superintendent of public instruction, and delivered to the commissioner of the executive department for finance and administration as a member of said commission; Provided, however, That such option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the commissioner of the executive department for finance and administration before the close of business on the last working day in April immediately preceding the beginning of such succeeding biennium.

(c) The board shall not itself operate such leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the superintendent of public instruction and the department of education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any such contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to such reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any such contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the state property and buildings commission shall bind the board to pay rentals for more than one fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any such lease and to the cost of providing for the operation of such television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of this subsection.

(3) The state board *for elementary and secondary* [of] education may, on the recommendation and with the advice of the superintendent of public instruction, prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations published or distributed by the board shall be inclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.

Section 88. KRS 156.160 is amended to read as follows:

[Upon recommendation of the superintendent of public instruction,] The state board *for elementary and secondary* [of] education shall adopt rules and regulations relating to:

(1) [The biennial state school budget;

(2)] Minimum courses of study for the different grades and kinds of common schools, and regulations governing educational equipment of the schools;

(2) [(3)] Grading, classifying and accrediting all common schools, and for determining the scope of instruction that may be offered in the different classes of schools, and the minimum requirements for graduation from the courses offered;

(3) [(4)] Taking, and keeping a school census, and the forms and blanks to be used in taking and keeping the census and in compiling the required reports;

(4) [(5)] Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings and classrooms;

(5) [(6)] Medical inspection, physical education and recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children;

(6) [(7)] The transportation of children to and from school;

(7) [(8)] Approval of private and parochial schools of elementary or high school grades[, and commercial schools];

(8) [(9)] The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

(9) [(10)] The preparation of budgets and salary schedules for the several school districts under the management and control of the state board *for elementary and secondary* [of] education;

(10) [(11)] A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts;

(11) [(12)] The disposal of real and personal property owned by local boards of education.

Section 89. KRS 156.200 is amended to read as follows:

The superintendent of public instruction shall receive and examine all reports required by law or by the state board *for elementary and secondary* [of] education *and the state board for occupational education* and, in person or through his assistants, shall examine and advise on the expenditures, business methods and accounts of all boards of education and all institutions placed under the management and control of the *department* [state board] of education *as established in KRS 156.010.* He shall see that all financial and educational accounts are accurately and neatly kept and that all reports are made according to the forms adopted by the state board *for elementary and secondary* [of] education *and the state board for occupational education.*

Section 90. KRS 156.230 is amended to read as follows:

(1) The superintendent of public instruction shall annually prepare or cause to be prepared, and submit for approval and publication by the state board *for elementary and secondary* [of] education, a list of all public and private high schools or other secondary schools in the state, showing the classification of each.

(2) He shall, from time to time, prepare or cause to be prepared, and submit for approval and publication by the state board *for elementary and secondary* [of] education *or the state board for occupational education,* such bulletins, programs, outlines of courses, placards, and courses of study as he deems useful in the promotion of the interests of the public schools, vocational education and vocational rehabilitation.

(3) He shall also prepare for publication [by the state board of education] the rules, regulations, minimum standards for schools and educational policies or programs adopted by the boards for the operation, regulation and government of the schools under *their* [its] supervision.

Section 91. KRS 156.240 is amended to read as follows:

The superintendent of public instruction shall prepare for publication biennially, [by the state board of education,] the complete school laws of the state, including abstracts of decisions of the court of justice, and opinions and interpretations of the attorney general and the superintendent of public instruction. He shall explain the true intent and meaning of the school laws and the published rules and regulations of the state board *for elementary and secondary* [of] education *and the state board for occupational education*, and in doing so he shall freely consult the attorney general.

Section 92. KRS 156.250 is amended to read as follows:

(1) The superintendent of public instruction shall biennially prepare the report of the *department* [state board] of education *as established in KRS 156.010* to be submitted to the governor and the general assembly. The report shall set out the number attending the public schools, the amount of state funds apportioned and the source from which derived, the amount raised by county school and independent school district taxes or from other sources of revenue for school purposes, the amount expended for salaries of teachers, for the erection of school buildings, and for incidental and other expenses in the operation of the public schools under his supervision, together with such other facts, statistics and information as may be deemed of interest, including recommendations for the improvement of the schools.

(2) The report shall also detail programs and progress in vocational education and vocational rehabilitation.

SECTION 93. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) The state board for occupational education is hereby created, and shall consist of nine (9) members. Seven (7) members shall be appointed by the Governor, one (1) from each of the seven (7) supreme court districts as established by KRS 21A.010, and shall serve for terms of four (4) years, except the original appointments which shall be the following terms: three (3) members for two (2) years, two (2) members for three (3) years; and two (2) members for four (4) years. There shall be two (2) ex officio non-voting members to be chosen as follows: one (1) member from the lay membership of and selected by the council on higher education and one (1) member from the lay membership of and selected by the state board for elementary and secondary education. The two (2) ex officio members shall serve for terms of one (1) year and may be eligible for annual reappointment for as long as they remain lay members of the board or council by which they are selected.

(2) The term of each member of the board shall begin July 1 in the year in which the member is appointed. Vacancies in the membership of the board shall be filled by the governor for unexpired terms. Appointments shall be made without reference to occupation, political affiliation or similar considerations. No member at the time of his appointment or during the term of his services shall be engaged as a professional educator.

(3) A majority of the voting members of the board shall constitute a quorum for the transaction of business. The board shall meet no less than every three (3) months and at such other times as it may be called as provided in this section. Special meetings of the board may be called by the chairperson; and, upon written request of two (2) members, the chairperson shall call a special meeting of the board to be held not later than twenty (20) days following receipt of the written request. The chairperson shall give notice through the secretary by registered or by certified mail, return receipt requested, to each member of the board at least ten (10) days prior to the time of any meeting, unless all members of the board waive notice in writing. The offices of the board shall be at the seat of government in the Kentucky state department of education and shall be provided by the state. Members of the board shall receive a per diem of one hundred dollars ($100) for each regular or special meeting attended and actual expenses for attending meetings, and may be reimbursed for other actual and necessary expenditures incurred in the performance of their duties authorized by the board. The per diem and expenses shall be paid out of the appropriation for the state board for occupational education.

(4) At the first regular meeting of the board in each fiscal year a chairperson shall be elected from its members.

(5) The superintendent of public instruction or his designee shall be the executive officer of the state board for occupational education.

(6) The office of deputy superintendent for the department for occupational education is hereby created and shall be filled by appointment by the superintendent of public instruction, subject to the provisions of KRS 12.050.

(7) The deputy superintendent for occupational education shall select a secretary who shall be an employe of the Kentucky state department of education. It shall be the duty of the secretary to handle the board's correspondence and maintain a permanent record of its proceedings.

(8) The primary function of the state board for occupational education shall be to develop and adopt policies and regulations by which the department for occupational education shall be governed in planning, coordinating, administering, supervising, operating and evaluating occupational education programs, services and activities within the scope of its authorized responsibility.

(9) The state board for occupational education is hereby designated as the sole state agency for the purpose of developing and approving state plans required by state or federal laws and regulations as

prerequisites to receiving state or federal funds for vocational education, vocational rehabilitation, and adult education. Any and all agencies of state government that administer vocational-technical occupational programs shall be involved in the development of state plans required by state or federal laws and regulations.

SECTION 94. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) The department for elementary and secondary education is hereby created and shall consist of the office of the deputy superintendent for elementary and secondary education, the bureau of instruction, the bureau of education for exceptional children, the bureau of administration and finance for local school systems, and such other personnel and positions as the superintendent of public instruction deems are necessary to execute the policies of the state board for elementary and secondary education.

(2) Upon the recommendation of the superintendent of public instruction or his designee, the state board for elementary and secondary education shall act on all matters relating to programs, services publications, capital construction and facility renovation, equipment, litigations, contracts, budgets, and all other matters which are the administrative responsibility of the department for elementary and secondary education.

(3) The deputy superintendent for elementary and secondary education shall recommend to the superintendent of public instruction the establishment of bureaus, offices, divisions and units, and arrange such bureaus, offices, divisions and units within the organizational structure of the department as will best provide required services and assure effective execution of the department's responsibilities.

(4) The deputy superintendent for elementary and secondary education, with the approval of the superintendent of public instruction, may call and conduct conferences of employes of the department for elementary and secondary education or related boards and councils on matters of concern with elementary and secondary education. Reimbursement to participants for necessary travel expenses shall be a legitimate expenditure of public funds.

SECTION 95. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) The department for occupational educational education is hereby created, and shall consist of the office of the deputy superintendent for occupational education, the bureau of vocational education, the bureau of rehabilitation services, the division of adult basic education and such other personnel and positions as are necessary to execute the policies of the state board for occupational education.

(2) Upon the recommendation of the superintendent of public instruction or his designee, the state board for occupational education shall act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigations, contracts, budgets and all other matters which are the administrative responsibility of the department for occupational education.

(3) The deputy superintendent for occupational education shall recommend to the superintendent of public instruction the establishment of bureaus, offices, divisions and units and arrange such bureaus, offices, divisions and units within the organizational structure of the department as will best provide required services and assure effective execution of the department's responsibilities.

(4) The deputy superintendent for occupational education, with the approval of the superintendent of public instruction, may call and conduct conferences of employes of the department of occupational education or related boards and councils or both on matters of concern with occupational education. Reimbursement to participants for necessary travel expenses shall be a legitimate expenditure of public funds.

(5) The department for occupational education shall plan, administer, coordinate, supervise, operate and evaluate the occupational educational programs, services, and activities provided through vocational education, vocational rehabilitation and adult basic education.

(6) The occupational type programs which are offered in the local high schools, both vocational and non-vocational, shall continue to be operated and administered by the local boards of education and the department for elementary and secondary education, consistent with the policies of the state plan for vocational education. All of the occupational type programs offered in the local high schools may be counted toward high school graduation, but the decision as to which credits and how many credits may be counted for high school graduation shall be made by the local boards of education, consistent with the policies approved by the state department for elementary and secondary education.

(7) Vocational and non-vocational programs, offered at the state universities, shall be operated and administered by those universities consistent with the regulations developed by the boards of trustees or regents and approved by the council on higher education for the issuance of associate, baccalaureate or graduate degrees. The state board for occupational education and the state department for occupational education shall not operate or administer any programs for such degrees. No institution of public higher education, including the community colleges, shall offer any new program of a vocational-technical-occupational nature below the associate degree level without the consent of the state board of occupational education. The state board for occupational education may contract with institutions of public higher education for the operation of specific programs and projects.

(8) The department for occupational education shall administer, supervise, and operate all programs offered in the state vocational technical schools and area vocational education centers.

(9) The board for occupational education shall be responsible for establishing priorities for, and approval of, construction of facilities designed for vocational-occupational type programs.

(10) Requests for new programs of a vocational-technical-occupational type at the associate degree level from state universities and community colleges, and requests for new programs of this type at the diploma or certificate level from vocational education centers or schools shall be made to the state board for occupational education. It shall be the responsibility of the state department for occupational education and the state board for occupational education to review such requests and on the basis of need for the program to approve or disapprove the request. The rationale for the request and complete supporting data shall be supplied to the state board for occupational education at the time the request is made. The following procedure shall be followed:

(a) The request shall be cooperatively developed by the department for occupational education and requesting agency.

(b) The request shall be reviewed by the staff of the department for occupational education which shall make recommendations concerning the request to the state board for occupational education.

(c) If the request is from a university or community college and is approved, notification of the approval shall be sent to the university or community college which shall proceed through regular channels to implement the program. If the request is from a state vocational center or school and is approved, notification of the approval shall be given to the bureau of vocational education which shall proceed through regular channels to implement the program.

(d) If the state board for occupational education does not approve the request, the applicant shall be notified and a conference shall be held with the applicant. The board may require the applicant to supply additional information and may conduct a full review of the request and its previous decision. If, after review, the board approves the request, the board, applicant and bureau of vocational education shall proceed in accordance with paragraph (c) of this subsection. If the applicant's appeal is disapproved, the board shall supply the applicant with the reasons for its disapproval, which shall be absolute and final.

(e) All requests shall be reviewed and decisions made in accordance with data which justifies or denies the need for the requested program.

(11) The state board for occupational education, in conjunction with the state board for elementary and secondary education and the council on higher education, shall by program title prepare a complete listing of programs of a vocational-technical-occupational type offered in public institutions of higher education and the community colleges, state vocational-technical schools and centers, and junior and senior high schools. These listings shall distinguish between vocational-technical-occupational programs for which approval is required by the state board for occupational education, and other general education programs. The state board for occupational education shall only be concerned with vocational-technical-occupational programs.

(12) The state board for occupational education shall have the authority and responsibility to review and to make recommendations to the council on higher education concerning both new programs and existing programs at the associate degree level offered at the institutions of public higher education, including the community colleges, if these programs are of a vocational-technical-occupational type.

SECTION 96. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) The office of superintendent of public instruction shall consist of the superintendent of public instruction and the office of legal and legislative services. The office of legal and legislative services shall consist of the office head and the assistant office head, who shall be major assistants to the superintendent of public instruction, and the division of equal education opportunities.

(2) The office of the deputy superintendent of public instruction shall consist of the deputy superintendent and the following additional offices which are hereby created:

(a) The office of management information services shall provide data processing and statistical information services for the Kentucky department of education. The office of management information services shall consist of (i) the office head and the assistant office head, who shall be major assistants to the superintendent of public instruction; (ii) the division of program development and maintenance; and (iii) the division of data control.

(b) The office of communication services shall consist of (i) the office head and the assistant office head, who shall be major assistants to the superintendent of public instruction; (ii) the division of publications; (iii) the materials center, duplicating services; and (iv) the unit for dissemination.

(c) The office of research and planning shall consist of (i) the office head and the assistant office head, who shall be major assistants to the superintendent of public instruction; (ii) the division of special services; and (iii) the division of ESEA title IV.

(d) The office of finance and personnel services is created and shall consist of (i) the office head and assistant office head who shall be major assistants to the superintendent of public instruction; (ii) the division of personnel and payroll services; (iii) the division of budget development and accounting; (iv) the division of purchasing, property control, and internal services; (v) the division of finance for vocational education; (vi) the division of finance for federally related programs; (vii) the division of finance for exceptional children; (viii) the division of school food services; and (ix) the division of finance for rehabilitation services.

(3) The office of the deputy superintendent for occupational education shall include the deputy superintendent and other units which are hereby created as follows:

(a) The division of liaison services between the department for occupational education and the institutions of higher education shall be headed by a director who shall report to the deputy superintendent for occupational education. The division shall generally serve as a liaison between the department for occupational education and institutions of higher education, to provide and promote harmonious relations, exchange of relevant information, and to prevent the unwarranted offering of duplicating occupation type programs by various state institutions for the same target population. The division shall coordinate the review of occupation type program requests which are directed to the state board for occupational education.

(b) The bureau of vocational education shall consist of (i) the bureau head and assistant bureau head, who shall be major assistants to the superintendent of public instruction; (ii) the division of vocational program development; (iii) the division of vocational program management; (iv) the division of interagency relations; (v) the division of vocational program supporting services; and (vi) the division of adult education.

(c) The bureau of rehabilitation services shall consist of (i) the bureau head and assistant bureau head, who shall be major assistants to the superintendent of public instruction; (ii) the division of rehabilitation services; (iii) the division of training and special programs; (iv) the east Kentucky rehabilitation center; and (v) the division of rehabilitation facility services.

(4) The office of deputy superintendent for elementary and secondary education shall consist of the deputy superintendent and other units which are hereby created as follows:

(a) The bureau of instruction shall consist of (i) the bureau head and the assistant bureau head, who shall be major assistants to the superintendent of public instruction; (ii) the division of program development, including in addition to the present organizational units the curriculum laboratory portion of the materials center, the unit for career education, and a consultant for early childhood education; (iii) the division of instructional media; (iv) the division of compensatory education; (v) the division of teacher education and certification; (vi) the division of supervision, accreditation, and organization with separate units for supervision and accreditation; and (vii) the division of guidance and social work, which shall include a unit for social workers and health coordinators.

(b) The bureau of education for exceptional children shall consist of (i) the bureau head and assistant bureau head, who shall be major assistants to the superintendent of public instruction; (ii) the division of learning disabilities; (iii) the division of emotionally disturbed; (iv) the division of mental retardation; (v) the division of physically handicapped; (vi) the division of communicative disorders; (vii) the division of supporting services; (viii) thedivision of field services; and (ix) the division of residential services including responsibilities for the school for the deaf and the school for the blind.

(c) The bureau of administration and finance for local school systems shall consist of (i) the bureau head and assistant bureau head who shall be major assistants to the superintendent of public instruction; (ii) the division of local school district finance including the coordination of public law 81-874 and public law 81-815; (iii) the division of pupil transportation; (iv) the division of buildings and grounds; (v) the division of pupil personnel attendance and accounting; (vi) the division of local school district administrative services; (vii) the division of surplus property; and (viii) the division of energy conservation.

Section 97. KRS 158.520 is amended to read as follows:

(1) Career education shall be conducted in the elementary, secondary, post secondary, and adult education programs administered by the department of education [under authority of the state board of education] as a process incorporated into the total curriculum and in conjunction with courses in any appropriate area of study.

(2) Career education shall include, but not be limited to, the areas of:

(a) Personal development, including the development of competencies necessary to acquire basic learning skills; communicate; compute using the basic processes; acquire knowledge and skills through continued learning; make informed decisions relating to career and life development; apply acquired knowledge and skills to real-life situations; pursue personal interests and enrichment; and obtain and apply knowledge of physical fitness, nutrition, and mental health to life-long personal health maintenance;

(b) Career and occupational awareness, including information, activities and guidance procedures of the career education concept designed to develop the understanding and ability necessary to make career choices, to cope with the changing economic and occupational environment, and to develop occupational and educational competencies necessary for employment and continued education;

(c) Economic understanding, including knowledge of economic systems, information on tax structures and obligations, understanding of personal and family money management, and the competencies required for the application of such knowledge and understanding to consumer practices;

(d) Citizenship, including the rights and responsibilities of citizenship in the community, state, nation, and world social and political orders;

(e) Family life, including information and activities designed to develop an understanding of the role of the individual in family life, the rights and responsibilities incumbent upon each role participant, the responsibilities and duties of marriage and parenthood, and the theories and practices of child rearing and early childhood development; and

(f) Human relations, including knowledge of the relationship of the individual to his social, cultural, natural, and political environments, and understanding of the worth and dignity of other people, and the skills and understanding required in developing an ability to work with and relate to other individuals and groups, and an appreciation of the historical and cultural heritage and values of his environment and that of others.

(3) Career education shall be sequential in nature and suited to meet the needs of the students at their respective grade levels.

Section 98. KRS 161.025 is amended to read as follows:

(1) There shall be a Kentucky council on teacher education and certification whose members shall be appointed by the superintendent of public instruction as follows:

(a) The dean or department head for education from each of the state universities and state senior colleges;

(b) Three (3) academic deans from the private senior colleges and universities selected so that representation shall be rotated among the private institutions;

(c) Fourteen (14) members, selected from nominees submitted by those professional organizations designated by the superintendent of public instruction as being most representative of the professional members to be appointed, to be nominated and selected in a manner to provide geographic representation, to include:

1. Two (2) members, who at the time of appointment shall hold the positions of local school superintendent,

2. Three (3) members, who at the time of appointment shall hold administrative or supporting personnel positions in which the major duties are other than classroom teaching,

3. Nine (9) members, who at the time of appointment shall hold positions as classroom teachers;

(d) One (1) member to be selected from a list of nominees submitted by the governing body of the Kentucky school boards association;

(e) One (1) member to be selected from a list of nominees submitted by the governing body of the Kentucky branch national congress of parents and teachers;

(f) Two (2) members selected at large;

(g) One (1) member from the [Kentucky state] department *for elementary and secondary* [of] education representing teacher education and certification, who shall serve as executive secretary;

(h) One (1) member from the department for occupational education;

(i) Two (2) members, who at the time of appointment, shall hold positions in occupational education.

(2) Each individual appointment shall be for a period of four (4) years except that one-half (1/2) of the initial appointments shall be for two (2) year terms. Members may serve successive terms if renominated and re-appointed in the manner prescribed for membership. Vacancies shall be filled as they occur in a manner consistent with the provisions for initial appointments.

(3) At the first meeting held on or after July 1 of each year a chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. The executive secretary shall keep records of proceedings and shall prepare the approved recommendations for transmission to the *superintendent of public instruction, the* state board *for elementary and secondary* [of] education, *and the state board for occupational education,* and other appropriate agencies. Regular meetings shall be held at least biannually on call by the chairman.

(4) The Kentucky council on teacher education and certification shall develop and recommend policies and standards relating to teacher preparation and certification including: The requirements for the preparation and certification of teachers and other professional school personnel; the standards and procedures for the approval of college and university programs for the preparation of teachers and other professional school personnel.

(5) To carry on the functions relating to its duties and responsibilities the Kentucky council on teacher education and certification is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences and publish information.

Section 99. KRS 161.030 is amended to read as follows:

(1) The certification of all teachers and other school personnel is vested in the state board *for elementary and secondary* [of] education. All certificates authorized under KRS 161.010 to 161.126 shall be

issued in accordance with the published rules and regulations of the state board *for elementary and secondary* [of] education through the superintendent of public instruction.

(2) In the case of nontax supported schools, standards for teacher certification shall provide for the certification without further educational requirements, of any administrator, supervisor, or teacher who has attended, and received a bachelor's degree from, a *standard* college or university [accredited by a national or regional association in the United States, or who, at the discretion of the State Board of Education, has the equivalent degree from a foreign college or university of comparable standing].

(3) [(2)] Certificates shall be issued to persons who have completed, at such colleges and universities as have been approved by the State Board *for Elementary and Secondary* [of] Education for the preparation of teachers and other school personnel, the curricula prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board *for Elementary and Secondary* [of] Education for the certificates.

(4) [(3)] The State Board *for Elementary and Secondary* [of] Education shall approve the curricula of any standard college or university, or of any department thereof for the training of teachers, when the curricula comply with the rules and regulations of the State Board *for Elementary and Secondary* [of] Education and are equivalent to any or all the curricula prescribed for the state institutions for the issuance of certificates to students of the state institutions, and when the institution has otherwise met the terms and conditions provided in KRS 161.010 to 161.120. Any student of such institution who has completed any of these curricula or the equivalent thereof, as approved by the State Board *for Elementary and Secondary* [of] Education, and who in addition thereto has completed the prescribed requirements for the issuance of certificates for teaching to students of the state institutions may, by the State Board *for Elementary and Secondary* [of] Education, be granted a certificate for teaching of the same validity and tenure as certificates issued to students completing like requirements in the state institutions.

SECTION 100. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

Prior to submission of the formal budgetary requests of the department of education, established in KRS 156.010, to the Governor and Executive Branch, complete copies shall be forwarded to the boards for elementary and secondary, and occupational education, to enable both boards to fully investigate and review said requests and make recommendations to the Governor.

Section 101. The reviser of statutes shall make all changes in the Kentucky revised statutes necessary and appropriate to carry out the intent of this Act and executive orders 77-331, 77-410 and 77-453 in order that said statutes shall conform to the plan establishing and reorganizing the council on higher education and specifically whenever the following language appears in the presently existing statutes, either expressly, impliedly or by words of reference, the language shall be changed by the reviser of statutes to read as follows:

1. 'Council on public higher education' to 'council on higher education,' and specifically the reviser of statutes shall make such changes when such language appears in KRS Chapters 12, 61, 152, 164, 165A, 168, 194 and 367.
2. 'Executive director of the council on public higher education' to 'executive director of the council on higher education,' and specifically the reviser of statutes shall make such changes when such language appears in KRS Chapters 12, 164, 165A and 194.

Section 102. KRS 164.010 is amended to read as follows:

There shall be a council on [public] higher education in Kentucky, to be composed of the superintendent of public instruction, *one (1) member of the state board for elementary and secondary education, one (1) member of the state board for occupational education,* ten (10) lay members appointed by the governor, and the president or chief executive officer of each four-year state institution of higher education in the state. The superintendent of public instruction and ten (10) lay members shall constitute the voting membership of the council. The lay members shall be appointed for regular terms of four (4) years, with the initial appointment of two (2) members for one (1) year, two (2) members for two (2) years, two (2) members for three (3) years and four (4) members for four (4) years. Any person, other than the superintendent of public instruction, holding either an elective or appointive state office or who is a member of the governing board of any state or private college or university in Kentucky shall be ineligible for membership or appointment on the council during his membership or term of office. When the council meets to consider curricula for teacher education, three (3) persons who are from accredited institutions of higher learning, and who have been appointed by the executive committee of the Kentucky association of colleges, secondary and elementary schools, shall be invited to meet with the council in an advisory capacity.

Section 103. KRS 164.020 is amended to read as follows:

The council on [public] higher education in Kentucky shall:

(1) Engage in analyses and research to determine the overall needs of higher education in the Commonwealth.

(2) Develop and transmit to the governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state colleges and universities, the community colleges, and the University of Kentucky as provided by statute. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in such federal legislation; Provided, however, That when such federal legislation requires *additional* representation on any such "single state agency" *the council on higher education shall establish such advisory groups as may be necessary to satisfy such federal legislative or regulatory guidelines* [by private or nonstate institutions of higher education in the state, the commission on higher education, or its successor agency, shall be considered the "single state agency" as that term may be used in such federal legislation].

(3) Determine the amount of entrance and/or registration fees and approve the qualifications for admission to the public institutions of higher education. In determining the entrance and/or registration fees for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and such other factors as the council may in its sole discretion deem pertinent.

(4) Consider the requirements and review the budget requests, which shall be prepared in the manner and submitted by the institutions to the council by dates prescribed by the council, of the institutions of public higher education as to their appropriate level of support considering the functions of the institutions and their respective needs. The individual institutions' budget requests, including tuition and registration fee schedules for all categories of students, along with council recommendations which shall be submitted to the governor through the executive department for finance and administration not later than November 15 of each odd numbered year.

(5) Review and approve all capital construction projects the cost of which exceeds one hundred thousand dollars ($100,000) approved by the governing boards of the state-supported institutions of higher education prior to the institutions' submission of such projects to the executive department for finance and administration and/or state property and buildings commission.

(6) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties.

(7) Publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education.

(8) *Define and* approve *the offering of* all *higher education associate, baccalaureate, graduate, and professional degree or certificate programs in the state-supported higher education institutions* [graduate degree programs including all schools and degree programs for which professional, regional and/or national accreditation of the school or program is available and/or licensing or certification of the graduate are required] . Review proposals and make recommendations to the governor regarding the establishment of new state-supported community colleges and new four-year colleges. Provided, nothing in KRS 164.010, 164.020, 164.125, and 164.290 to 164.295 shall be construed to grant the council on [public] higher education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

(9) Prescribe the curricula for teacher education *in consultation with the department of education.*

(10) Elect a chairman annually from the voting membership and appoint an executive director and such staff as may be needed and fix their compensation without limitation of the provisions of KRS chapter 18 and KRS 64.640 subject to the approval of the commissioner of personnel and the commissioner of the executive department for finance and administration.

(11) Constitute the representative agency of the Commonwealth in all matters of higher education of a general and statewide nature which are not otherwise delegated to one or more institutions of higher learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment.

SECTION 104. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

There is established in the council on higher education a Kentucky center for education statistics to serve as a coordinated, cooperative, and comprehensive data collection, storage, and utilization system for the overall planning for higher education in the Commonwealth.

Section 105. KRS 164.125 is amended to read as follows:

(1) The University of Kentucky shall provide:

(a) *Upon approval of the council on higher education, associate and* baccalaureate programs of instruction;

(b) Upon approval of the council on [public] higher education, master degree programs, specialist degree programs above the masters-degree level, and joint doctoral programs in cooperation with other state-supported institutions of higher education in the state;

(c) Upon approval of the council on [public] higher education, doctoral and post-doctoral programs and professional instruction including law, medicine, dentistry, education, architecture, engineering and social professions.

(2) The University of Kentucky shall be the principal state institution for the conduct of statewide research and statewide service programs and shall be the only institution authorized to expend state general fund appropriations on research and service programs of a statewide nature financed principally by state funds. As applied in this section, research and service programs of a statewide nature shall be programs requiring the establishment and operation of facilities or centers outside of the primary service area of the institution.

(3) The University of Kentucky is authorized to provide programs of a community college nature in its own community comparable to those listed for the community college system, as provided by KRS chapter 164.

Section 106. KRS 164.295 is amended to read as follows:

The six (6) state universities shall provide:

(1) *Upon approval of the council on higher education, associate and* baccalaureate programs of instruction;

(2) Upon approval of the council on [public] higher education, graduate programs of instruction at the masters-degree level in education, business, and the arts and sciences, specialist degrees and programs beyond the masters-degree level to meet the requirements for teachers, school leaders and other certified personnel;

(3) Research and service programs directly related to the needs of their primary geographical areas;

(4) And, may provide programs of a community college nature in their own community comparable to those listed for the University of Kentucky community college system, as provided by this chapter.

Section 107. KRS 164.815 is amended to read as follows:

(1) The university of Louisville shall provide:

(a) *Upon approval of the council on higher education, associate and* baccalaureate degree programs of instruction;

(b) Upon approval of the council on [public] higher education, masters degree programs, specialist degrees above the masters degree level, doctoral degree programs and joint doctoral programs in cooperation with other state-supported institutions of higher education;

(c) Upon approval of the council on [public] higher education, professional degree programs including medicine, dentistry, law, engineering and social professions.

(2) The university of Louisville is authorized to provide programs of a community college nature in its own community comparable to those listed for the community college system as provided in this chapter.

(3) The university of Louisville shall continue to be a principal university for the conduct of research and service programs without geographical limitation but subject to the implied limitation of KRS 164.125 (2).

Section 108. KRS 164.820 is amended to read as follows:

(1) The government of the university of Louisville is vested in a board of trustees consisting of *fifteen (15)* [ten] competent citizens of Kentucky appointed by the governor; one non-voting member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; and a student member who shall be the president of the student body; however, if the student body president is not a full-time student who maintains permanent residency in the commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this commonwealth as the student member. The faculty member and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring by reason of such termination shall be filled for the remainder of the respective terms in the same manner. The *fifteen (15)* [ten] citizen members of the board shall annually elect one of their number to serve as chairman of the board.

(2) To facilitate transition of the university of Louisville to full status as a state institution, terms of members of the board of trustees in office on July 1, 1970, shall be terminated as of that date or as of the date their successors are appointed and qualify, and their successors shall be appointed by the governor according to the following schedule:

(a) Two (2) for one (1) year terms.

(b) Two (2) for two (2) year terms, one (1) of which shall be an alumnus or alumna of the university, selected from a list of three (3) names submitted by the alumni of the University in such manner and according to rules prescribed by the board of trustees;

(c) Three (3) for three (3) year terms.

(d) *Eight (8)* [Three (3)] for four (4) year terms, *one (1) of whom shall be an alumnus or alumna of the university, selected as under subsection (2)(b) of this section.*

(3) At the expiration of the respective terms of the citizen members of the board of trustees as prescribed in subsection (2) of this section, successors shall be appointed by the governor for terms of four (4) years each, and in making such appointments the governor shall observe the requirements relating to nominations by the alumni members. Subject to such requirements the governor shall make his appointments from the state at large so as to divide the representation upon the board as nearly equally as possible between the two (2) leading political parties in this state.

(4) Vacancies among the citizen members of the board occurring by death, resignation, removal of residence from the commonwealth or any other cause shall be filled by appointments made by the governor for the expiration of the term, subject to the qualifications set forth in subsection (3) of this section.

(5) No member of the board of trustees or of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty and student members.

(6) Subsection (2) of KRS 63.080 is hereby expressly made applicable to members of the board of trustees of the University of Louisville.

SECTION 109. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) There shall be established in the council on higher education an office of geriatrics-gerontology. The office shall be administered by a recognized authority in such disciplines who shall have completed a doctorate degree in gerontology or related disciplines with an emphasis in gerontology from an accredited college or university and who shall have a minimum of two (2) years of professional experience in working with older persons. If such authority with a doctorate degree in gerontology or related disciplines with an emphasis in gerontology cannot be located the office shall be administered by a recognized authority with a master's degree in gerontology or related disciplines with an emphasis in gerontology from an accredited college or university and who shall have a minimum of two (2) years of professional experience in working with older persons. Such administrator shall be appointed by the governor from a list of three (3) nominees submitted by a committee composed of representatives from the university of Kentucky college of social professions, the university of Kentucky medical school, the university of Louisville kent school of social work, and the university of Louisville medical school.

(2) The office of geriatrics-gerontology shall stimulate the inauguration and continuance of courses in geriatrics and gerontology in the universities and community colleges funded by the Commonwealth of Kentucky.

(3) The administrator of the office shall cooperate with the medical schools, the schools of social work, the schools of nursing and such disciplines within the community colleges and universities as deemed applicable to educate the students therein concerning the processes of aging and the conditions, mental and physical, attendant upon aging. The office shall seek the cooperation of appropriate authorities within such universities and community colleges to draw from the several disciplines within each school to establish and conduct such courses. The administrator of the office shall be available for consultation to such universities and community colleges.

SECTION 110. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established the Kentucky historic preservation review board, which shall aid and advise the Kentucky heritage commission in the selection of historic sites and all duties pursuant to public law 89-669, as amended, and regulations issued pursuant thereto.

(2) The board shall be composed of eleven (11) members appointed by the governor; one (1) of whom shall be a professionally recognized historian; one (1) an architect; and one (1) an archeologist. Each board member shall receive twenty-five dollars ($25) per diem and necessary expenses for performance of his duties.

Section 111. KRS 183.820 is amended to read as follows:

(1) There shall be a unit of civil air patrol in the department of *military affairs* [transportation]. The unit shall consist of the Kentucky wing of the civil air patrol and such other units and personnel as are added by administrative order.

(2) The commanding officer of the Kentucky wing of the civil air patrol shall be ex officio the head of the unit.

Section 112. KRS 183.840 is amended to read as follows:

The *adjutant general* [secretary of transportation] shall coordinate the activities of the unit with the federal government and any of its agencies in all matters relating to aeronautical training and education, communications, rescue work, mercy missions, aerial observation, establishment of navigational aids, and other functions within the scope of activity of the civil air patrol.

Section 113. KRS 183.850 is amended to read as follows:

No portion of moneys appropriated for the unit of the civil air patrol shall be expended without the approval of the *adjutant general* [secretary of transportation] nor shall they be expended for the payment of compensation to members of the civil air patrol or the purchase of uniforms for any member of the civil air patrol.

Section 114. KRS 194.030 is amended to read as follows:

The department for human resources shall consist of the following major organizational units which are hereby created:

(1) office of the secretary.

(2) The office for policy and budget. The office for policy and budget shall provide the secretary with professional support in planning, budgeting, and policy analysis, including the appraisal of needs, the formulation of policy and the evaluation of programs. The office for policy and budget shall be headed by an administrator who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050.

(3) The office of the counsel. The office of the counsel shall provide legal advice and assistance to all units of the department in any legal action in which it may be involved. The office of the counsel shall employ all attorneys of the department who serve the department in the capacity of attorney and shall administer all personal service contracts of the department for legal services. The office of the counsel shall be headed by a general counsel who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The attorney general, on the request of the secretary, may designate the general counsel as an assistant attorney general in accordance with the provisions of KRS 15.105.

(4) The office of the ombudsman. The office of the ombudsman shall provide a review of citizen complaints on services of the department for human resources when such complaints cannot be resolved through normal administrative remedies. The office of the ombudsman shall be headed by an ombudsman who shall be appointed by the governor with the advice of the secretary. The ombudsman shall be directly responsible to the secretary.

(5) The *office of administrative services* [bureau for administration and operations]. The *office of administrative services* [bureau for administration and operations] shall be responsible for providing [or directing the provision of all] administrative [and operational] support services within the department for human resources. All fiscal, [personnel,] facility [,] and information management functions of the department shall be vested in the *office of administrative services* [bureau for administration and operations]. The *office of administrative services* [bureau for administration and operations] shall be headed by a *executive director* [commissioner for administration and operations] who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The *executive director* [commissioner for administration and operations] shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The *executive director* [commissioner for administration and operations] shall exercise authority over the *office of administrative services* [bureau for administration and operations] under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(6) The bureau for social insurance. The bureau for social insurance shall develop and operate all programs of the department that provide income maintenance or income supplementation services and all social insurance benefit programs. The bureau for social insurance shall also be responsible for all eligibility determination and certification functions associated with these programs. The bureau for social insurance shall be headed by a commissioner for social insurance who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for social insurance shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for the bureau for social insurance shall exercise authority over the bureau for social insurance under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(7) The bureau for health services. The bureau for health services shall develop and operate all programs of the department that provide health and mental health services and all programs for the prevention, detection, care, and treatment of physical and mental disability, illness, and disease. The bureau for health services shall be headed by a commissioner for health services who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for health services shall

be a person who by licensure in medicine under KRS chapter 311 and experience and training in administration and management is qualified to perform the duties of this office. The commissioner for health services shall exercise authority over the bureau for health services under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(8) The bureau for social services. The bureau for social services shall develop and operate all social service programs of the department. The bureau for social services shall be headed by a commissioner for social services who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for social services shall be a person who by education, professional qualification, training, and experience in the administration and management of social service programs is qualified to perform the duties of this office. The commissioner for the bureau for social services shall exercise authority over the bureau for social services under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(9) The bureau for manpower services. The bureau for manpower services shall develop and operate all manpower development and placement programs including all job recruitment and business liaison functions, employability development and training programs, and all job counseling and job placement programs of the department. The bureau for manpower services shall be headed by a commissioner for manpower services who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for the bureau for manpower services shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for the bureau for manpower services shall exercise authority over the bureau for manpower services under the direction of the secretary and shall fulfill only such responsibilities as delegated by the secretary.

(10) The office of the inspector general. The office of the inspector general shall be responsible for: (a)The conduct of audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the department has contracted; (b)Such licensing and regulatory functions as the secretary may delegate; and (c) the notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority. The office of the inspector general shall be headed by an inspector general who shall be appointed by the secretary with the approval of the governor. The inspector general shall be directly responsible to the secretary.

Section 115. KRS 194.090 is amended to read as follows:

The department shall include citizen advisory bodies within its structure to provide independent advice from the general public. The citizen bodies within the department shall have the following structure:

(1) There is hereby created, within the department, a citizens' commission for human resources.

(a) The citizens' commission for human resources shall advise the governor, the secretary for human resources, and other officials of the Commonwealth on policy matters relating to the health, welfare, manpower, and other human service needs of the citizens of the Commonwealth of Kentucky and the health, welfare, manpower, and other human service programs developed and operated by the Commonwealth of Kentucky to address those needs. The citizens' commission for human resources shall also advise the secretary for human resources on the identification of service needs, the formulation of policy, the development of program alternatives, the evaluation of program proposals, the determination of program priorities, the allocation of resources, proposed state and federal legislation, and proposed state and federal administrative regulations.

(b) The citizens' commission for human resources shall be composed of no more than *fifteen (15)* [eleven (11)]members appointed by the governor. The members of the citizens' commission for human resources shall be chosen to broadly represent public interest groups concerned with the human service programs operated by the department for human resources, professionals involved in the delivery of human services, minority groups, recipients of human services provided by the state, and the general public. *The governor shall appoint the chairman of the citizens' commission for human resources upon the recommendation of the secretary for human resources.* [The members of the citizens' commission for human resources shall elect a chairman.] The secretary for human resources shall be a nonvoting ex-officio member of, staff director for, and secretary to, the citizens' commission for human resources. The citizens' commission for human resources shall meet at least quarterly and on other occasions as may be necessary, on the call of the chairman of the citizens' commission for human resources or the secretary for human resources. A majority of the appointed members shall constitute a quorum.

(2) There is hereby created within the department for human resources a council for health services.

(a) The council for health services shall advise the citizens' commission for human resources, the secretary for human resources, the commissioner for health services, and other officials of the commonwealth on policy matters concerning the delivery of health services including the assessment of needs, the development of program alternatives, the determination of priorities, the formulation of policy, the allocation of resources, and the evaluation of programs. The council for health services shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide health services.

(b) The council for health services shall be composed of no more than nineteen (19) citizen members appointed by the governor. Members of the council for health services shall be chosen to broadly represent public interest groups concerned with health services, professionals involved in the delivery of health services, recipients of health services provided by the state, minority groups, and the general public. The governor shall appoint the chairman of the council for health services who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources and the commissioner for health services shall be nonvoting ex-officio members of the council for health services, and the commissioner for health services shall be staff director for, and secretary to the council for health services. The council for health services shall meet at least quarterly and on other occasions as may be necessary, on the call of the secretary for human resources or the commissioner for health services. A majority of the appointed members shall constitute a quorum.

(3) There is hereby created within the department for human resources a council for social insurance.

(a) The council for social insurance shall advise the citizens' commission for human resources, the secretary for human resources, the commissioner for social insurance, and other officials of the Commonwealth on policy matters concerning the delivery of social alternatives, the determination of priorities, the formulation of policy, the allocation of resources, and the evaluation of programs. The council for social insurance shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide income maintenance and supplementation services.

(b) The council for social insurance shall be composed of no more than fifteen (15) citizen members appointed by the governor. Members of the council for social insurance shall be chosen to broadly represent public interest groups concerned with social insurance programs operated by the commonwealth, minority groups, the poor, recipients of social insurance services provided by the state and the general public. The governor shall appoint the chairman of the council for social insurance, who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources and the commissioner for social insurance shall be nonvoting ex-officio members of the council for social insurance, and the commissioner for social insurance shall be staff director for and secretary to the council for social insurance. The council for social insurance shall meet at least quarterly and on other occasions as may be necessary, on the call of the secretary for human resources or the commissioner for social insurance. A majority of the appointed members shall constitute a quorum.

(4) There is hereby created within the department for human resources a council for social services.

(a) The council for social services shall advise the citizens' commission for human resources, the secretary for human resources, the commissioner for social services, and other officials of the Commonwealth on policy matters concerning the delivery of social services including the assessment of needs, the development of program alternatives, the determination of priorities, the formulation of policy, the allocation of resources, and the evaluation of programs. The council for social services shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide social services.

(b) The council for social services shall be composed of no more than fifteen (15) citizen members appointed by the governor. Members of the council for social services shall be chosen to broadly represent public interest groups concerned with social services, professionals involved in the delivery of social services, minority groups, the disadvantaged, recipients of social services provided by the state, and the general public. The governor shall appoint the chairman of the council for social services, who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources and the commissioner for social services shall be nonvoting ex-officio members of the council for social services, and the commissioner for social services shall be staff director for, and secretary to, the council for social services. The council for social services shall meet at least quarterly and on other occasions as may be necessary, on the call of the secretary for human resources or the commissioner for social services. A majority of the appointed members shall constitute a quorum.

(5) There is hereby created within the department for human resources a council for manpower services.

(a) The council for manpower services shall advise the citizens' commission for human resources, the secretary for human resources, the commissioner for manpower services, and other officials of the Commonwealth on policy matters concerning the delivery of manpower services including the assessment of needs, the development of program alternatives, the determination of priorities, the formulation of policy, the allocation of resources, and the evaluation of programs. The council for manpower services shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide manpower services.

(b) The council for manpower services shall be composed of no more than nineteen (19) citizen members appointed by the governor. Members of the council for manpower services shall be chosen to broadly represent public interest groups concerned with manpower services, professionals, organized labor, private industry and business, recipients of manpower services provided by the Commonwealth, minority groups, and the general public. The governor shall appoint the chairman of the council for manpower services, who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources and the commissioner for manpower services shall be nonvoting ex-officio members of the council for manpower services, and the commissioner for manpower services shall be staff director for, and secretary to the council for manpower services. The council for manpower services shall meet at least quarterly and on other occasions as may be necessary, on the call of the secretary for human resources or the commissioner for manpower services. A majority of the appointed members shall constitute a quorum.

(6) There is hereby created within the department for human resources an institute for aging.

(a) The institute for aging shall advise the citizens' commission for human resources, the secretary for human resources, and other officials of the Commonwealth on policy matters relating to the development and delivery of services to the aged. The institute for aging shall be primarily concerned with identifying special needs of the aged and advising the secretary for human resources on how the department may integrate its various programs and services to yield the maximum possible benefit for the aged. The institute for aging shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide services to the aged.

(b) The institute for aging shall be composed of no more than eleven (11) citizen members appointed by the governor. Members of the institute for aging shall be chosen to broadly represent public interest groups concerned with the needs of the aged, professionals involved in the delivery of services to the aged, minority groups, recipients of state-provided services to the aged, and the general public. The governor shall appoint a chairman of the institute for aging, who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources shall be a nonvoting ex-officio member of, staff director for, and secretary to, the institute for aging. The institute for aging shall meet at least quarterly and on other occasions as may be necessary, on the call of the secretary for human resources. A majority of the appointed members shall constitute a quorum.

(7) There is hereby created within the department for human resources an institute for children.

(a) The institute for children shall advise the citizens' commission for human resources, the secretary for human resources, and other officials of the commonwealth on policy matters relating to the development and delivery of services to children, adolescents, and the developmentally disabled. The institute for children shall be primarily concerned with identifying the special needs of these clientele groups and advising the secretary on how the department for human resources may integrate its various programs and services to yield the maximum possible benefit for children, adolescents, and the developmentally disabled. The institute for children shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide services to these clientele groups.

(b) The institute for children shall be composed of no more than eleven (11) citizen members appointed by the governor. Members of the institute for children shall be chosen to broadly represent public interest groups concerned with the needs of children, adolescents, and the developmentally disabled, professionals involved in the delivery of services to these clientele groups, minority groups, recipients of state-provided services to these clientele groups, and the general public. The governor shall appoint a chairman of the institute for children who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources shall be a nonvoting ex-officio member of, staff director for, and secretary to, the institute for children. The institute for children shall meet at least quarterly and on other occasions as may be necessary on the call of the secretary for human resources. A majority of the appointed members shall constitute a quorum.

Section 116. KRS 196.070 is amended to read as follows:

The commissioner of the bureau of corrections shall:

(1) Supervise and administer the Kentucky state reformatory, [at LaGrange located in Oldham County and] the *Kentucky correctional institution for women* [women's prison], the Kentucky state penitentiary [at Eddyville], *other minimum security correctional institutions established and operated by the bureau,* or any divisions of those institutions, and the prison industry program within those institutions.

(2) Supervise the employment of prisoners who have not been paroled or conditionally released, either within or without the walls or enclosures of these institutions.

(3) Have the authority to transfer, with the approval of the commissioner and the commissioner of the executive department for finance and administration, appropriated funds from the budget of one (1) penal institution to another.

(4) Determine minimum, maximum and conditional release dates of prisoners in accordance with KRS 197.045.

(5) Authorize the transfer of male prisoners between institutions.

(6) Approve the forfeiture or restoration of good time earned by prisoners during their term of confinement.

Section 117. KRS 196.270 is amended to read as follows:

There shall be established and maintained *within* [at each of the institutions operated by] the bureau of corrections a *centralized* canteen *operation* which shall be incorporated and self-supporting. *Each institution administered by the bureau shall participate in the canteen operation.* The directors of *the* [each] canteen shall be as follows: the commissioner, the *deputy commissioner for institutions* [director of the division of staff services], the *deputy commissioner for support services* [director of the division under which the institution is operated], [and] the superintendent*s of the Kentucky state penitentiary, Kentucky state reformatory and Kentucky correctional institution for women, ex officio, and a superintendent from one of the remaining correctional institutions elected at large by the superintendents* [and the business manager of the respective institutions where the canteens are located]. All profits from *the* [each] canteen, *including the sale of handicrafts made by inmates to the general public,* shall be used exclusively for the benefit of the [patients or] inmates of the *bureau* [institution where operated]. *The directors of the canteen are authorized to consolidate the assets of the existing canteens for this purpose and to employ such staff and inmates as are necessary to efficiently manage the canteen.*

Section 118. KRS 198A.030 is amended to read as follows:

(1) There is hereby created and established an independent, de jure municipal corporation and political subdivision of the Commonwealth of Kentucky which shall be a public body corporate and politic to be known as the Kentucky housing corporation.

(2) The Kentucky housing corporation is created and established as a de jure municipal corporation and political subdivision of the Commonwealth of Kentucky to perform essential governmental and public functions and purposes in improving and otherwise promoting the health and general welfare of the people by the production of residential housing in Kentucky.

(3) The housing corporation shall be governed by a board of directors, consisting of *fourteen (14)* [thirteen (13)] members, *six (6)* [five (5)] of whom shall be the *secretary* [commissioner] of the executive department for finance and administration, the *commissioner* [director] of the *department* [office] for local government, the commissioner of revenue, the attorney general, *the secretary of the cabinet for development* and the commissioner of commerce, or their duly appointed designees, as public directors, and eight (8) of whom shall be chosen from the general public residing in the Commonwealth, as private directors.

(4) Upon organization of the housing corporation, the governor shall appoint the eight (8) private directors to take office and to exercise all powers thereof immediately. Of the eight (8) members of the corporation thus appointed, two shall continue in office for terms of one year, and two for terms of two, three and four years respectively as the governor shall designate; at the expiration of said terms and for all succeeding terms, the governor shall appoint a successor to the office of private director for a term of four years in each case.

(5) In case of a vacancy, the governor may appoint a person for such a vacancy to hold office during the remainder of the term.

(6) The governor may remove any private director whom he may appoint in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and may appoint a person for such vacancy as provided in other cases of vacancy.

(7) The governor shall designate a member of the corporation to serve as chairman. The term of the chairman shall extend to the earlier of either the date of expiration of his then current term as a member of the corporation or a date six months after the expiration of the then current term of the governor designating such chairman.

(8) The corporation shall annually elect one of its members as vice chairman. The corporation shall also elect or appoint, and prescribe the duties of, such other officers as the corporation deems necessary or advisable, including an executive director and a secretary, and the corporation shall fix the compensation of such officers.

(9) The executive director shall administer, manage and direct the affairs and business of the corporation, subject to the policies, control and direction of the members of the corporation. The secretary of the corporation shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents and papers filed with the corporation, the minute book or journal of the corporation and its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the corporation and to give certificates under the official seal of the corporation to the effect that such copies are true copies, and all persons dealing with the corporation may rely upon such certificates.

(10) A majority of the board of directors of the corporation shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies.

(11) Action shall be taken by the corporation upon a vote of a majority of the members present at a meeting called upon three days' written notice to each director or upon the concurrence of at least seven directors.

(12) Directors shall receive no compensation for their services but shall be entitled to their reasonable and necessary expenses actually incurred in discharging their duties under this chapter.

Section 119. KRS 224.012 is amended to read as follows:

There is established within the department a bureau of natural resources, [and] a bureau of environmental protection *and a bureau of surface mining reclamation and enforcement.* Each bureau shall be headed by a commissioner appointed by the secretary with the approval of the governor as required by KRS 12.050. The commissioners shall be directly responsible to the secretary and shall perform such functions, powers and duties as provided by law and as the secretary may prescribe.

Section 120. KRS 224.852 is amended to read as follows:

(1) Application for a pollution control tax exemption certificate shall be filed with the department *of revenue* in such manner and in such form as may be prescribed by regulations issued by the department *of revenue* and shall contain plans and specifications of the structure or structures including all materials incorporated and to be incorporated therein and a descriptive list of all equipment acquired or to be acquired by the applicant for the purpose of air, noise, solid waste or water pollution control and any additional information deemed necessary by the department of revenue for the proper administration of Acts 1974, chapter 137. *The department shall provide technical assistance and factual information as requested in writing by the department of revenue.* If the department *of revenue* finds that the facility qualifies as a pollution control facility as defined in KRS 224.850(1), it shall enter a finding and issue a certificate to that effect. The effective date of said certificate shall be the date of the making of the application for such certificate.

(2) Before issuing a pollution control tax exemption certificate, the department *of revenue* shall give notice in writing by mail to the *secretary of the department* [commissioner of revenue], and shall afford to the applicant and to the *secretary of the department* [commissioner of revenue] an opportunity for a hearing. On like notice and opportunity for a hearing, the department *of revenue* shall on its own initiative revoke such certificate whenever any of the following appears:

(a) The certificate was obtained by fraud or misrepresentation;

(b) The holder of the certificate has failed substantially to proceed with the construction, reconstruction, installation, or acquisition of the pollution control facilities;

(c) The structure or equipment or both to which the certificate relates has ceased to be used for the primary purpose of pollution control and is being used for a different purpose.

(3) Provided, however, that where the circumstances so require, the department *of revenue* in lieu of revoking such certificate may modify the same.

(4) On the mailing of notice of the action of the department *of revenue* revoking or modifying a certificate as provided in subsection (5) of this section, such certificate shall cease to be in force or shall remain in force only as modified as the case may require.

(5) A pollution control tax exemption certificate, when issued, shall be sent by certified mail to the applicant and notice of such issuance in the form of certified copies thereof shall be sent to the *secretary of the department* [commissioner of revenue]. Notice of an order of the department *of revenue* denying, revoking, or modifying a certificate in the form of certified copies thereof shall be sent by certified mail to the applicant or the holder thereof and shall be sent to the *secretary of the department* [commissioner of revenue]. The applicant or holder and the *secretary of the department* [commissioner of revenue] are deemed parties for the purpose of the review afforded by subsection (6) of this section.

(6) Any party aggrieved by the issuance, refusal to issue, revocation, or modification of a pollution control tax exemption certificate may appeal from the final ruling of the department *of revenue* to the Kentucky board of tax appeals as provided in KRS 131.340.

(7) In the event of the sale, lease, or other transfer of a pollution control facility, not involving a different location or use, the holder of a pollution control tax exemption certificate for such facility may transfer the certificate by written instrument to the person who, except for the transfer of the certificate, would be obligated to pay taxes on such facility. The transferee shall become the holder of the certificate and shall have all rights pertaining thereto, effective as of the date of transfer of the facility or the date of transfer of the certificate, whichever is earlier. The transferee shall give written notice of the effective date of the transfer, together with a copy of the instrument of transfer to the department and to the department of revenue.

(8) In the event a pollution control facility for which an exemption certificate is held ceases to be used for the primary purpose of pollution control or is used for a different purpose than that for which the exemption certificate was granted, the holder of the certificate shall give written notice by certified mail of such change to the department and to the department of revenue.

Section 121. KRS 227.200 is amended to read as follows:

As used in KRS 227.200 to 227.400, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of *housing, buildings and construction* [insurance];

(2) "Department" means the department of *housing, buildings and construction* [insurance];

(3) "Fire loss" means loss of or damage to property, loss of life or personal injury, by fire, lightning or explosion;

(4) "Owner" means any person who owns, occupies or has charge of any property;

(5) "Property" means property of all types, both real and personal, movable and immovable;

(6) "Rule" or "regulation" means a general order of the commissioner, designed for the prevention of fire loss, which affects or may affect property rights of a designated class of owners or for the prevention of fire loss by certain indicated hazards;

(7) "Order" or "special order" means an order of the commissioner, designed for the prevention of fire loss, which affects or may affect the property rights of a particular owner or designated property;

(8) As used in this section and KRS 227.305, unless the context otherwise requires:

(a) "Physically handicapped person" shall mean a person confined to a wheelchair; a person who uses braces or crutches; a person who because of the loss of a foot or leg or because of an arthritic, spastic, pulmonary or cardiac condition, walks with difficulty or insecurity; a person who suffers from a faulty coordination or palsy; a person who is blind or whose sight is so impaired that, functioning in a public area, he is insecure or exposed to danger; a person whose hearing is so impaired that he is unable to hear warning signals; and a person whose mobility, flexibility, coordination and perceptiveness are significantly reduced by aging;

(b) "Public building" shall mean any building constructed, owned or leased by the commonwealth or any political subdivision thereof;

(c) "Public accommodation" shall mean any building defined as a public accommodation by Title II of the Federal Civil Rights Act of 1964, whether or not it affects interstate commerce;

(d) "Facility for physically handicapped persons" shall mean any convenience or device which facilitates the health, safety or comfort of a handicapped person, including, but not limited to, ramps, handrails, elevators, and doors;

(e) "American national standard institute specifications" shall mean the American national standard institute specifications for making buildings and facilities accessible to, and usable by, the physically handicapped, A 117.1-1961; and

(f) "Remodel" shall mean, with respect to an existing public building or public accommodation, to construct an addition, make substantial repairs, or substantially alter the appearance, design or layout.

Section 122. KRS 227.300 is amended to read as follows:

(1) The commissioner shall promulgate reasonable rules and regulations based upon good engineering practice and principles as embodied in recognized standards of fire prevention and protection, providing for a reasonable degree of safety for human life against the exigencies of fire and panic, and insuring as far as is practicable against fire loss. Such rules and regulations shall be known as the standards of safety.

(2) In making such rules and regulations the commissioner shall establish minimum fire prevention and protection requirements, including but not limited to requirements for design, construction, installation, operation, storage, handling, maintenance or use of the following: structural requirements for the various types of construction; building restrictions within congested districts; exit facilities from structures; fire alarm systems and fire extinguishing systems; fire emergency drills; requirements for buildings of public assembly; flue and chimney construction; heating devices; electrical wiring and equipment; air conditioning, ventilating and other duct systems; refrigeration systems; flammable liquids, oil and gas wells; garages, repair and service shops; application of flammable finishes, [explosives,] acetylene, liquefied petroleum gas and similar products; calcium carbide and acetylene generators; dry cleaning and dyeing plants; flammable motion picture film; combustible fibres; airports and airport buildings; hazardous chemicals; rubbish; open flame devices; parking of vehicles; dust explosions; lightning protection; and other special fire hazards.

(3) For the purpose of integrating the need for safety from hazards of fire with the other safety needs of infants or preschool children under institutional care, the commissioner shall allow persons who own, manage or are employed by institutions which provide care or education for infants or preschool children to participate in drafting the standards of safety as they apply to such institutions. Such participation shall be by representation of professional associations relating to infant and preschool care, and by representation from other individuals licensed to provide infant and preschool care, on a committee chaired by the state fire marshal or his designate. Such participation shall occur prior to the publication of proposed regulations in the administrative register pursuant to KRS 13.085 and 13.096, but shall not limit any individual's right to use those procedures set forth in KRS Chapter 13 concerning comment on or protest of proposed regulations. All professional associations relating to infant and preschool care shall be notified by the commissioner when the

drafting of standards of safety relating to such institutions is commenced and all such professional associations shall be regularly notified of the time and place of any meetings conducted by authorized employes of the department for the purpose of drafting such standards.

(4) The commissioner shall publish guidelines relating to the standards of safety as they apply to day care and preschool child care centers and nurseries, which shall indicate the items inspectors from the office of the state fire marshal will be looking for when they conduct inspections pursuant to the standards of safety. Such guidelines shall be made available to persons who own, operate or manage such centers or nurseries, and shall be designed to enable said persons to anticipate and comply with the requirements of the standards of safety.

SECTION 123. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

The department of housing, buildings, and construction (hereinafter referred to as the department of housing) is hereby created within the cabinet for public protection and regulation. The department shall be headed by a commissioner appointed by the governor subject to the provisions of KRS 12.040 and who shall report to the secretary of the cabinet for public protection and regulation. The office of the commissioner shall also include a deputy commissioner and executive assistant to the commissioner, who shall be the policy making assistants to the commissioner and shall be appointed pursuant to KRS 12.050. The department shall consist of the division of fire prevention and the division of plumbing.

Section 124. KRS 246.030 is amended to read as follows:

The department shall consist of:

(1) The commissioner;
(2) The board of agriculture;
(3) The state fair board;
(4) The division of markets;
(5) The division of weights and measures;
(6) The board of veterinary examination; [and]
(7) The division of pest and noxious weed control*; and*
(8) The division of statistics.

Section 125. KRS 247.410 is amended to read as follows:

As used in KRS 247.410 to 247.430:

(1) "Council" means the Governor's Council on Agriculture.

(2) "Executive director" means the chief administrative officer of the Council [and head of the Kentucky Farmers Advocate's Office].

Section 126. 247.427 is amended to read as follows:

(1) There is hereby established the Kentucky farmers advocate's office which shall be attached to the development cabinet for administrative purposes, and which shall be headed by *the farmers advocate* [an executive director] appointed by the governor. [The executive director shall be the chief administrative officer of the council.] Such other staff shall be appointed as is necessary to assist in carrying out the purposes of this section.

(2) The [executive director and any other] staff members shall be entitled to compensation under KRS chapter 18, and may be reimbursed for necessary and actual expenses in accordance with the provisions of KRS chapters 44 and 45.

(3) The duties and responsibilities of the Kentucky farmers advocate's office shall be to:

(a) Keep the governor and the council informed on current agricultural and agribusiness developments and problems;

(b) Carry out such directions as the governor and the council may issue;

(c) Advocate and promote programs for the advancement and promotion of agriculture and agribusiness;

(d) Make the facilities of the office available to farmers, and to serve as a forum to which farmers may direct questions and problems;

(e) Serve farmers as a source of information on federal and state agriculutral programs; and

(f) Make available to farmers such other information and services as the facilities of the office afford.

(4) The executive director of the council shall maintain correct and complete records of all the council's transactions and proceedings which shall constitute public records open to inspection at reasonable times.

SECTION 127. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

There is established a division of developmental services within the governor's council on agriculture, which shall be headed by a director, and shall identify new markets and promote the coordination of agricultural production of the Commonwealth with interests across the nation.

Section 128. KRS 304.1-050 is amended to read as follows:
(1) "Commissioner" means the commissioner of insurance of this state.
(2) "Department" means the department of insurance of this state, unless context otherwise requires.
(3) "Board" means the Kentucky insurance regulatory board.

SECTION 129. A NEW SECTION OF SUBTITLE 2 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky insurance regulatory board is hereby created and established. The board shall consist of seven (7) members appointed by the governor in addition to the commissioner who shall serve as its chairman and chief administrative officer. The chairman shall be a non-voting member, except that he shall be authorized to cast tie-breaking votes. The board shall be attached to the department of insurance for administrative services and shall be included under it in the cabinet for public protection and regulation.

(2) Of the members appointed by the governor, one (1) shall be an insurance executive whose company employer will not be directly effected by the board's decisions; one (1) shall be an insurance agent; one (1) shall be from the academic community knowledgeable in the field of insurance; one (1) shall be a representative of commercial consumers of insurance; and three (3) shall be representatives of non-commercial consumers of insurance.

(3) Of the members first appointed to the board one (1) shall serve until July 1, 1978; two (2) until July 1, 1979; two (2) until July 1, 1980; and two (2) until July 1, 1981. Thereafter, each term shall run for four (4) years from the date of expiration of the term for which his predecessor was appointed, except that a person appointed to fill a vacancy prior to the expiration of such term shall be appointed for the remainder of the term. Each member of the board shall be qualified pursuant to KRS 12.070 and shall hold office until his successor is appointed and qualifies. Members shall receive one hundred dollars ($100) per diem plus necessary expenses incurred in discharging their duties. The governor may at any time remove any member for cause.

(4) It shall be the duty of the board to administer the provisions of KRS Chapter 304, Subtitles 13 and 32, to the extent such provisions are applicable to the promulgation, filing, approval or use of rates. To facilitate the performance of this duty, such of the authority, powers, duties and functions heretofore vested in and exercised by the commissioner under KRS Chapter 304, Subtitles 13 and 32, shall be transferred to and hereafter be vested in and performed by the board to the extent such subtitles are applicable to rates.

(5) In addition to the authority, duties and functions transferred by subsection (4) of this section, the board shall also serve in an advisory capacity to the governor and the commissioner on the rating standards applicable to various lines of insurance and shall assist in detecting and resolving insurance consumer related problems to the end that the insurance laws of the commonwealth are as responsive to the public need, and their administration is as efficient, expeditious and judicious, as possible. In the performance of these functions the board shall have full investigative authority necessary to determine current factual circumstances and applicable law bearing thereon, within or without the Commonwealth, relative to these duties which shall include but not be limited to the:

(a) Conduct of public hearings into the established insurance rate making process in the Commonwealth and the making of an in-depth study of the provisions of KRS Chapter 304, Subtitles 13, 32 and 38 with particular emphasis on determining the effectiveness of said provisions in regulating the kinds of insurance rates specified therein to the best interest of the public welfare and to report to the governor its findings including any recommendations for remedial action, either administrative or legislative, which it believes to be in the public interest;

(b) Conduct of public hearings into, and the making of an in-depth study of, the current marketing practices generally prevailing among insurers authorized to do business in this Commonwealth particularly as those practices bear upon the cost and availability of property and casualty insurance coverages and to report to the governor its findings including any recommendations for remedial action, either administrative or legislative, which it believes to be in the public interest especially insofar as such remedial action bears upon the residual markets existing in such lines of insurance;

(c) In-depth study of and recommendations for the establishment within the department of insurance of a system to continuously monitor the prevailing rate structures and for the public dissemination of such information on a regular basis in order that the insuring public may have available understandable and factual information on which to base an intelligent choice in the purchase of such coverages;

(d) In-depth study of and recommendations on the establishment of minimum standards of coverage to be required of and contained in policies of insurance issued upon private passenger automobiles and private residential property located within this Commonwealth together with recommended standards for the readability of such policies to the end that the average insurance consumer in this Commonwealth may better understand all insuring agreements, provisions, terms and conditions and exclusions actually contained in any such policy purchased by him.

(6) An action or decision concurred in by any four (4) members of the board shall constitute an action or decision of the board unless there shall exist at the time two (2) or more unfilled vacancies in which case an action or decision by a majority of the remaining members shall constitute an action or decision by the board.

(7) All books, papers, records or documents heretofore possessed, controlled, filed, held or used by the commissioner in the exercise of function transferred by subsection (4) of this section, are hereby transferred to the possession, custody, and control of the board.

(8) Upon the transfer of functions provided for under subsection (4) of this section, any pending or unfinished business of the commissioner relating thereto shall be taken over and be completed by the board with same power and authority as the commissioner from whom the functions are transferred. In the performance of its duty, the board shall be the successor in every way to the commissioner and every act done by the board in the exercise of such functions shall be deemed to have the same force and effect under any provisions of the Constitution and Laws in effect on the effective date of this transfer as if done by the commissioner from whom such functions are transferred.

(9) Every action taken by the commissioner and every rate, rating plan, manual of rates, rating rules, classification or schedule of rates, deviation and/or statistical plan approved by the commissioner prior to the effective date of this transfer shall continue to remain in full force and effect until terminated by lawful action of the board or by the person for whom such approval was granted.

(10) All rules and regulations heretofore adopted, and all orders, notices, or bulletins heretofore issued, by the commissioner and relating to the powers, duties and functions transferred by subsection (4) of this section, shall continue in full force and effect for the board until changed, modified or repealed by the board which shall have the same authority to adopt rules and regulations or to issue orders, notices or bulletins in connection with the functions transferred as was vested in the commissioner prior to the effective date of this transfer.

(11) The board shall continue to collect and receive any dues, fees, charges or other forms of income as the law may now or hereafter provide for in conjunction with the powers and duties transferred by subsection (4) of this section, and shall remit all such funds to the state treasurer to be received and credited according to law.

(12) The board shall be a budgetary unit of the department of insurance which shall pay all its necessary operating expenses and shall furnish all office space, personnel, equipment, supplies and technical or administrative services required by it in the performance of the functions transferred, established or created herein.

Section 130. KRS 304.13-040 is amended to read as follows:

(1) Every insurer shall file with the *board* [commissioner], except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated.

(2) When a filing is not accompanied by the information upon which the insurer supports such filing, and the *board* [commissioner] does not have sufficient information to determine whether such filing meets the requirements of this subtitle *it* [he] shall require the insurer to furnish the information upon which it supports the filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include:

(a) The experience or judgment of the insurer or rating organization making the filing,

(b) Its interpretation of any statistical data it relies upon,

(c) The experience of other insurers or rating organizations, or

(d) Any other relevant factors.

(3) A filing and any supporting information shall be open to public inspection after the filing becomes effective, except as provided in subsection (4) of KRS 304.13-050. Specific inland marine rates on risks specifically rated, made by a rating organization, shall be filed with the *board* [commissioner], and shall become effective when filed and shall be deemed approved and in compliance with the requirements of this subtitle until such time as the *board* [commissioner] rejects the filing.

Section 131. KRS 304.13-050 is amended to read as follows:

(1) The *board* [commissioner] shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the applicable requirements of this subtitle.

(2) Subject to the exception specified in subsection (3) of KRS 304.13-040 with reference to specific inland marine rates made by a rating organization, and subsections (3) and (4) of this section, each filing shall be on file for a waiting period of thirty (30) days before it becomes effective, which period may be extended by the *board* [commissioner] for an additional period not to exceed thirty (30) days if *it* [he] gives written notice within such waiting period to the insurer or rating organization which made the filing that *it* [he] needs such

additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the *board* [commissioner] may authorize a filing which *it* [he] has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this subtitle unless disapproved by the *board* [commissioner] within the waiting period or any extension thereof.

(3) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this subtitle until such time as the *board* [commissioner] rejects the filing.

(4) The *board* [commissioner] may, when *it* [he] deems it to be in the public interest, hold a public hearing on any filing before said filing becomes effective to determine whether or not the filing meets the requirements of this subtitle. When the *board* [commissioner] has determined that a hearing shall be held relative to any filing, the filing and any supporting information filed therewith shall be open to public inspection immediately upon the giving of notice as required by this subsection. Before such hearing the rating organization or insurer making such filing shall be given ten (10) days' written notice of the time and place of such hearing, and the public shall be given notice by publication pursuant to KRS chapter 424. The *board* [commissioner] shall promulgate reasonable regulations to prevent the avoidance of normal expirations and renewal dates of policies, or contracts of insurance, that may be affected by such filings. In the event that a hearing is held under the provisions of this subsection the waiting periods specified in subsection (2) of this section shall not begin to run until thirty (30) days after the close of such hearing.

(5) In the review of any filing made pursuant to KRS 304.13-040 either prior to its becoming effective, or upon a subsequent review as provided for in KRS 304.13-080, the burden of establishing that the filing under consideration meets the requirements of this subtitle shall be on the insurer or rating organization which makes such filing.

Section 132. KRS 304.13-060 is amended to read as follows:

Under rules and regulations as *it* [he] adopts the *board* [commissioner] may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The *board* [commissioner] may make such examination as *it* [he] deems advisable to ascertain whether any rates affected by such order meet the standards that rates shall not be excessive, inadequate or unfairly discriminatory.

Section 133. KRS 304.13-070 is amended to read as follows:

(1) If within the waiting period or any extension thereof as provided in KRS 304.13-050, the *board* [commissioner] finds that a filing does not meet the requirements of this subtitle, *it* [he] shall give written notice of disapproval of such filing to the insurer or rating organization which made such filing specifying therein in what respects *it* [he] finds such filing fails to meet the requirements of this subtitle and stating that such filing shall not become effective.

(2) If within thirty (30) days after a specific inland marine rate on a risk specially rated by a rating organization or a special surety or guaranty bond required by law has become effective, the *board* [commissioner] finds that such filing does not meet the requirements of this subtitle, *it* [he] shall give written notice of disapproval of the filing to the rating organization or insurer which made the filing specifying therein in what respects *it* [he] finds that the filing fails to meet the requirements of this subtitle and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. Such disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in such notice.

Section 134. KRS 304.13-080 is amended to read as follows:

If at any time subsequent to the applicable review period provided for in subsections (1) and (2) of KRS 304.13-070 the *board* [commissioner] finds that a filing does not meet the requirements of this subtitle, *it* [he] shall, after a hearing held upon not less than ten (10) days' written notice, specifying the matters to be considered at the hearing, to every insurer and rating organization which made the filing, issue an order specifying in what respects *it* [he] finds that the filing fails to meet the requirements of this subtitle, and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. Copies of the order shall be sent to every such insurer and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

Section 135. KRS 304.13-100 is amended to read as follows:

Upon the written application of the insured, stating his reasons therefor, filed with and approved by the *board* [commissioner], a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

Section 136. KRS 304.13-110 is amended to read as follows:

Any insurer may satisfy its obligation to make filings required by KRS 304.13-030 by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the *board* [commissioner] to accept such filings on its behalf. Nothing contained in this subtitle shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

Section 137. KRS 304.13-200 is amended to read as follows:

(1) Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the *board* [commissioner] for permission to file a deviation from the class rates, schedules, rating plans or rules respecting any kind of insurance, or class of risk within a kind of insurance, or combination thereof. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization.

(2) The *board* [commissioner] shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten (10) days' written notice thereof. If the *board* [commissioner] is advised by the rating organization that it does not desire a hearing *it* [he] may, upon the consent of the applicant, waive such hearing.

(3) In considering the application for permission to file such deviation the *board* [commissioner] shall give consideration to the available statistics and the principles for rate making as provided in KRS 304.13-030. The *board* [commissioner] shall issue an order permitting the deviation for such insurer to be filed if *it* [he] finds it to be justified and it shall thereupon become effective. *It* [He] shall issue an order denying such application if *it* [he] finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory.

(4) Each deviation permitted to be filed shall be effective for a period of not less than one (1) year from the date of such permission unless terminated sooner with the approval of the *board* [commissioner]. All term policies issued pursuant to such deviations may remain in force until their expiring dates.

Section 138. KRS 304.13-210 is amended to read as follows:

(1) Any member of or subscriber to a rating organization may appeal to the *board* [commissioner] from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization.

(2) The *board* [commissioner] shall, after a hearing held upon not less than ten (10) days' written notice to the appellant and to the rating organization, issue an order approving the action or decision of the rating organization or directing it to give further consideration to such proposal; or if the appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, *it* [he] may, in the event *it* [he] finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings within a reasonable time after the issuance of such order.

Section 139. KRS 304.13-220 is amended to read as follows:

(1) Any person or organization in interest, aggrieved with respect to any filing which is in effect may make written application to the *board* [commissioner] for a hearing thereon, except that the insurer or rating organization that made the filing shall not be authorized to proceed under this section. Such application shall specify the grounds to be relied upon by the applicant.

(2) If the *board* [commissioner] finds that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, *it* [he] shall, within thirty (30) days after receipt of such application, hold a hearing upon not less than ten (10) days' written notice to the applicant and to every insurer and rating organization which made such filing.

(3) If, after such hearing, the *board* [commissioner] finds that the filing does not meet the requirements of this subtitle, *it* [he] shall issue an order specifying in what respects *it* [he] finds that such filing fails to meet the requirements of this subtitle, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of the order shall be sent to the applicant and to every such insurer and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

Section 140. KRS 304.13-230 is amended to read as follows:

(1) Every rating organization and every insurer which makes its own rates shall, with a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

(2) Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty (30) days after it is made, the applicant may proceed in the same manner as if his application has been rejected. Any part affected by the action of such rating organization or such insurer on such request may, within thirty (30) days after written notice of such action, appeal to the *board* [commissioner], *which* [who], after a hearing held upon not less than ten (10) days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

Section 141. KRS 304.13-270 is amended to read as follows:

(1) The *board* [commissioner] may promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with *it* [him], which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid *it* [him] in determining whether rating systems comply with the applicable standards set forth in KRS 304.13-030. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience.

(2) In promulgating such rules and plans, the *board* [commissioner] shall give due consideration to the rating systems on file with *it* [him], and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it.

(3) The *board* [commissioner] may designate one or more rating organizations or other agencies to assist *it* [him] in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the *board* [commissioner], to insurers and rating organizations.

(4) Each insurer shall report its loss or expense experience to the lawful rating organization or agency of which it is a member or subscriber, but shall not be required to report its loss or expense experience to any rating organization or agency of which it is not a member or subscriber. Any insurer not reporting such experience to a rating organization or other agency may be required to report such experience to the *board* [commissioner]. Any report of such experience of any insurer filed with the *board* [commissioner] shall be deemed confidential and shall not be revealed by the *board* [commissioner] to any other insurer or other person, but the *board* [commissioner] may make compilations including such experience.

Section 142. KRS 304.13-280 is amended to read as follows:

(1) Reasonable rules and plans may be promulgated by the *board* [commissioner] for the interchange of data necessary for the application of rating plans.

(2) In order to further uniform administration of rate regulatory laws, the *board* [commissioner] and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult with them with respect to rate making and the application of rating systems.

(3) Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this subtitle is authorized, provided the filings resulting from such cooperation are subject to all provisions of this subtitle which are applicable to filings generally. The *board* [commissioner] may review such cooperative activities and practices and if, after a hearing, *it* [he] finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this subtitle, *it* [he] may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this subtitle, and requiring the discontinuance of such activity or practice.

Section 143. KRS 304.13-300 is amended to read as follows:

(1) No person or organization shall wilfully withhold information from, or knowingly give false or misleading information to:

(a) The *board* [commissioner];

(b) Any statistical agency designated by the *board* [commissioner];

(c) Any rating organization, or any insurer which will affect the rates or premiums chargeable under this subtitle.

(2) A violation of this section shall subject the one guilty of such violation to the penalties provided in KRS 304.13-320.

Section 144. KRS 304.32-160 is amended to read as follows:

(1) On or after June 18, 1970 no corporation subject to the provisions of this subtitle shall deliver or issue for delivery in this state any subscription certificate or membership certificate describing health benefits available, or any indorsement, rider, or application which becomes a part thereof, until a copy of the form and the schedule of rates, dues, fees, or other periodic charges, to be paid by subscribers or members, has been filed with and approved by the *board* [commissioner].

(2) At the expiration of fifteen (15) days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the *board* [commissioner]. The *board* [commissioner] may withdraw approval at any time for cause.

(3) The *board's* [commissioner's] order disapproving any form or withdrawing previous approval shall state the grounds for disapproval or withdrawal.

(4) The *board* [commissioner] may, by order, exempt from the requirements of this section for so long as *it* [he] deems proper, any document or form specified in the order, to which in *its* [his] opinion this section may not practicably be applied, or the filing and approval of which are, in *its* [his] opinion, not desirable or necessary for the protection of the public.

Section 145. KRS 311.530 is amended to read as follows:

There is hereby created in state government an independent board to be known as the state board of medical licensure which shall exercise all medical and osteopathic licensure functions heretofore exercised by the state board of health. The offices of the board shall be maintained at such place as is designated by the board. The board shall consist of seven voting members appointed by the governor, and the deans of the university of Kentucky and university of Louisville medical schools, *and the secretary of the department for human resources or his designee* as ex-officio, non-voting members. One member shall be a licensed osteopathic physician and shall be appointed from a list of three names submitted by the Kentucky osteopathic association. Five (5) members shall be licensed medical physicians and shall be appointed from a list of three names submitted for each position by the Kentucky medical association. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.

Section 146. KRS 318.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Department" means department *of housing, buildings and construction* [for natural resources and environmental protection];

(2) "Journeyman plumber" means a person who engages or offers to engage, either as an occupation or otherwise, in the construction, installation, alteration, maintenance, repair, remodeling or removal, and replacement of plumbing under the supervision, direction and responsibility of a master plumber;

(3) "Master plumber" means a person who assumes responsible charge, supervision or direction of journeyman plumbers, plumbers' apprentices and other persons in the construction, installation or alteration of plumbing or who engages in, offers to engage in or advertises or otherwise represents that he is permitted or qualified to engage in the design, planning, superintending, contracting for or responsible charge of plumbing;

(4) "Plumbing" means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building other than piping serving fire-fighting equipment;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal but not including sewers located between manholes and sewers extending five (5) feet from a main or manhole on private property; and

(d) Storm sewers and rain water piping located within a building to a point two (2) feet outside of the building and private sewage disposal systems other than those which have a treated affluent.

(5) "Public buildings" means any building intended for public use or built with public funds and includes but is not limited to the following: schools, industrial establishments, housing projects, restaurants, food-handling establishments, private clubs, theaters including drive-ins, trailer coach parks, camping areas, hospitals, nursing homes, hotels, motels, tourist courts, rooming houses, boarding houses, and other establishments furnishing public sleeping accommodations;

(6) "Maintenance man" means a person employed to maintain and keep plumbing in good repair;

(7) "Apprentice" means a person in the process of learning the plumbing trade who assists and is under the personal supervision of a licensed master or licensed journeyman plumber;

(8) "Farmstead" means a farm dwelling together with other farm buildings and structures incident to

the operation and maintenance of the farm located outside the corporate limits of a municipality and not connected to a public water supply.

(9) "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, co-partnership, association, firm, trust, estate, or other entity whatsoever;

(10) *"Commissioner"* ["Secretary"] means the *commissioner* [secretary] of the department *of housing, buildings and construction* [for natural resources and environmental protection];

(11) "Code" means the Kentucky state plumbing code.

Section 147. KRS 318.071 is amended to read as follows:

(1) There is hereby created a state plumbing code committee which shall be established within the department *of housing, buildings and construction* [for natural resources and environmental protection] for administrative purposes. The state plumbing code committee shall consist of seven (7) members, one (1) of whom shall be a builder member of the home builders association of Kentucky, one (1) of whom shall be a member of the association of general contractors, one (1) of whom shall be a member of the Kentucky master plumbers association, one (1) of whom shall be a member of the Kentucky society of professional engineers (who shall have a background in sanitary engineering), one (1) of whom shall be a member of the american institute of architects, one (1) of whom shall be a member of the united association of journeyman plumbers, and one (1) of whom shall be a member of the mechanical contractors association. Each member of the state plumbing code committee shall receive no compensation but shall be reimbursed for all necessary expenses. The members of the committee shall be appointed by the governor from lists of three (3) names submitted by the above mentioned organizations.

(2) Each member shall be appointed for and hold office a term of two (2) years or until his successor is appointed and qualified.

(3) At all times in the filling of vacancies of membership on the committee the balance of representation set out in subsection (1) shall be maintained.

Section 148. KRS 318.074 is amended to read as follows:

The committee shall elect from its members one (1) to serve as chairman, one (1) as vice-chairman, and the *commissioner* [secretary] of the department *of housing, buildings and construction* [for natural resources and environmental protection] or his designee shall serve as ex-officio member of the committee (without a vote) and secretary. The committee shall meet at least quarterly and upon special call by the chairman or the secretary.

Section 149. KRS 318.077 is amended to read as follows:

The committee shall hold hearings, upon adequate notice to affected parties specifying the matters to be considered before the submission to the *commissioner* [secretary] of its suggested amendments to the code; Provided, however, that nothing in this section shall be construed to prohibit the amendment of the code or other regulation by the department after the prior review of committee. Any person aggrieved by any rule, regulation or amendment approved by the department, within 30 days after such action has become final, may appeal therefrom to the circuit court. For the purposes of this section, "persons aggrieved" shall include any person directly or indirectly injured or threatened with injury on account of any such regulation, rule or amendment, whether or not such person was a party to the proceedings out of which the order, rule, regulation or amendment arose.

Section 150. KRS 318.080 is amended to read as follows:

(1) In order to conduct examinations for persons to qualify as licensed master plumbers or journeyman plumbers, the department shall appoint as examiners the following persons to a state plumbers examining committee: An employe of the department and three (3) other persons who shall be licensed either as master or journeyman plumbers. The *commissioner* [secretary for the department for natural resources and environmental protection] shall be an ex-officio examiner and permanent *commissioner* [secretary] of the committee. With the exception of the issuance of any order involving the revocation, suspension or cancellation of a master or journeyman plumber's license, the secretary may delegate to a subordinate employe in the department the power to be present and participate, including the right to vote, as his representative at any meeting, hearing or other proceeding of the state plumbers examining committee. Plumber examiners shall serve at the pleasure of the department.

(2) The department shall appoint assistant plumber examiners who shall be qualified licensed master or journeyman plumbers who shall serve at the pleasure of the department. Assistant plumber examiners shall perform such duties as are delegated to them by the state plumbers examining committee.

(3) Plumber examiners and assistant plumber examiners shall receive no compensation for their services but shall be reimbursed for their necessary traveling expenses.

Section 151. KRS 318.310 is amended to read as follows:

The *commissioner* [secretary] of the department shall, upon written request from a local board of health, authorize the local board of health to serve as its agent to issue plumbing installation permits for on-site sewage disposal systems within that area of local board jurisdiction. The permits issued by the local board of health shall comply with the requirements set down in KRS 318.134 and 318.160 and with the regulations established by the department relating to the issuance of permits for on-site sewage disposal systems. A permit issued under these provisions shall be deemed a permit issued by the department. The local board of health shall include in the written request a procedure for administering this section.

Section 152. KRS 338.041 is amended to read as follows:

(1) There is hereby created in the department of labor a program for occupational safety and health. This program shall consist of a division of occupational safety and health compliance and a division of education and training for occupational safety and health. This program shall administer all matters pertaining to occupational safety and occupational health and shall be under the supervision of an occupational safety and health coordinator.

(2) The department of labor may require the assistance of other state agencies and may enter into agreements with other state agencies and political subdivisions of the Commonwealth for the administration of this chapter.

(3) [The department of labor shall enter into an agreement with the public service commission, which shall serve as the state agency in the administration of this chapter for all matters relating to occupational safety and occupational health with respect to utilities as defined in KRS 278.010, and their employes.

(4)] The department of labor may enter into an agreement with the department for human resources and other appropriate departments or agencies to conduct research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems in the administration of this chapter.

Section 153. KRS 325.261 is amended to read as follows:

The certificate of "certified public accountant" shall be granted by the board to any person:

(1) Who is a resident of this state or who has a place of business or is employed therein, at the time of admission to the examination, and has met the requirements established by the board, and

(2) Who has attained the age of eighteen (18) years, and who is of good moral character, and

(3) Who possesses the educational and experience requirements below:

(a) A baccalaureate degree conferred by a college or university recognized by the board with a major or concentration program in accounting or its equivalent, and two (2) years of public accounting experience of a quality satisfactory to the board, including participation in the examination of financial statements for third-party reliance, in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant of any state, or such other experience or employment as the board in its discretion may regard as substantially equivalent thereto, or

(b) A master's degree in accounting or business administration conferred by a college or university recognized by the board, with the equivalent of a major or concentration program in accounting at either the graduate or undergraduate level, and one (1) year of public accounting experience of a quality satisfactory to the board, including participation in the examination of financial statements for third-party reliance, in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant of any state, or such other experience or employment as the board in its discretion may regard as substantially equivalent thereto, or

(c) Until July 1, 1979 a baccalaureate degree conferred by a college or university recognized by the board, and three (3) years of public accounting experience of a quality satisfactory to the board, including participation in the examination of financial statements for third-party reliance, in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant of any state, or

(d) Until six (6) years after July 1, 1968, a graduate of a high school and six (6) years of public accounting experience of a quality satisfactory to the board, including the participation in the examination of financial statements for third-party reliance, in the employ of a public accountant as defined in KRS 325.220, or a certified public accountant of any state, or such other experience or employment as the board in its discretion may regard as substantially equivalent thereto, or

(e) Who holds a permit to practice as a public accountant as defined in KRS 325.220, and

(f) The experience requirement of paragraph (a) or (b) of this subsection may be satisfied by four (4) years' experience as a field audit agent in the internal revenue service, of which two (2) years is at the journeyman level (presently GS-11 or its future equivalent) in auditing financial statements and supporting materials of three (3) or more distinct lines of commercial or industrial businesses to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable laws and government regulations. The board shall be the sole and final judge of the qualification of experience under this section.

(g) The experience requirement of paragraph (c) of this subsection may be satisfied by five (5) years' experience as a field audit agent of the internal revenue service, of which three (3) years is at the journeyman level (presently GS-11 or its future equivalent) in auditing financial statements and supporting material of three (3) or more distinct lines of commercial or industrial businesses to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable laws and government regulations. The board shall be the sole and final judge of the qualification of experience under this section.

(h) The experience requirements of paragraph (a) of this subsection shall be satisfied by two years' experience in the employment of any agency of state government as an auditor or accountant; provided that such experience is gained under the supervision of a certified public accountant and includes application of the attest function using standards adopted by the American Institute of Certified Public Accountants.

(i) The experience requirements of paragraph (b) of this subsection shall be satisfied by one year's experience in the employment of any agency of state government as an auditor or accountant; provided that such experience is gained under the supervision of a certified public accountant and includes application of the attest function using standards adopted by the American Institute of Certified Public Accountants.

(4) Who shall have successfully passed a written examination in accounting and auditing, and in such other related subjects as the board may deem advisable.

(5) Application for a certificate of certified public accountant shall be made on a form prescribed by the board. The board may set a fee for the issuance of a certificate not to exceed $25.00.

Section 154. KRS 344.510 is amended to read as follows:

(1) There is hereby established the Kentucky commission on women as a separate administrative body of state government within the meaning of KRS chapter 12.

(2) The membership of the commission shall consist of not more than twenty-four (24) members and a chairman who shall be [the administrative head and chief executive officer of the commission. The commission shall be] appointed by the governor and shall serve at the governor's will during his incumbency and until each member's and the chairman's successor is appointed. *There shall be an executive director, who shall be appointed by the governor, and shall be administrative head and chief executive officer of the commission.* The governor, in appointing the commission, shall attempt to insure, insofar as it may be practicable, and with due regard to the several geographic regions and socio-economic groupings of the state, that the membership is broadly representative of the women of the state. The commission shall meet at the call of the chairman, but at least twice during each calendar year; a majority of the members shall constitute a quorum for the transaction of the commission's business.

Section 155. KRS 439.302 is amended to read as follows:

The commission on correction and community service shall consist of the commissioner of the bureau of corrections, the deputy commissioner for community services, the deputy commissioner for institutions, the chairman of the parole board, two (2) circuit judges designated by the governor, [and] five (5) public members appointed by the governor, these to include a psychiatrist, a professional educator, a member who is qualified to express the views of business and industry, a member who is qualified to express the views of organized labor, and a practicing attorney, *and four (4) at-large appointees.* The judicial and public members shall serve for the remainder of the term of office of the governor during whose incumbency they were appointed, unless sooner removed for cause; all other members shall serve during their terms of office. The commissioner of corrections shall act as chairman of the commission. All members of the commission shall serve without compensation, but each member shall be reimbursed for his necessary travel and other expenses actually incurred in the discharge of his duties on the commission.

Section 156. KRS 439.320 is amended to read as follows:

(1) The governor shall appoint a parole board consisting of five members, one of whom he shall name as chairman of the board. He shall make each appointment from a list of three names given to him by the commission on correction and community service. Each member appointed to the board must have had at least five years of actual experience in the field of penology, correction work, law enforcement, sociology, law, education, social work, medicine or a combination thereof, or have served at least five years previously on the parole board. No more than three board members may be of the same political party. The board shall be attached to the bureau of corrections for administrative purposes only; the bureau of corrections shall provide such clerical, stenographic, administrative and expert staff assistance as the board deems necessary to carry out its duties.

(2) The office of executive director of the parole board is hereby created. The office shall be headed by an executive director who shall be appointed by and directly responsible to the commissioner in matters

relating to administration, and directly responsible to the chairman of the board in matters relating to policy. The office shall be responsible for providing support services in the areas of financial, personnel, and facilities management to the operating offices of the board, conducting studies for decision-making needs of the board, and serving as liaison between the bureau and the board. The executive director shall be responsible for drafting all regulations and directives necessary to implement the policies of the board.

(3) The administrative duties of the chairman of the board are transferred to the executive director.

(4) [(2)] The members of the board shall give full time to the duties of their office and shall receive necessary traveling expenses and a salary to be determined purusant to KRS 64.640(2), except the chairman of the board shall receive additional compensation of $1,000 per year for his services. Their term of office shall be four years and until their successors are appointed and have qualified, except that the first appointments shall be for terms of two years for two members, and four years for three members. Their successors shall be appointed thereafter as provided in this section for terms of four years, and a vacancy occurring before expiration of the term of office shall be similarly filled for the unexpired term. The chairman of the board shall serve as such until the expiration of his term at which time the governor shall name his successor and designate the chairman of the board. If a vacancy occurs in the chairmanship of the board before the expiration of the term the governor may name a successor to serve for the remainder of the unexpired term.

(5) [(3)] Three members of the board shall constitute a quorum. The organization of the board shall be determined by the chairman.

(6) [(4)] The governor may not remove any member of the board except for disability, inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give the member a written copy of the charges against him and shall fix the time when he can be heard in his defense, which shall not be less than ten days thereafter. Upon removal the governor shall file in the office of the secretary of state a complete statement of all charges made against the member and the findings thereupon with a record of the proceedings.

(7) [(5)] Present members of the board shall be deemed to have vacated their appointment and successors shall be appointed as provided in subsection *(4)* [(2)]. The governor may reappoint present members if they meet the qualifications set forth in subsection (1).

Section 157. KRS 156.445 is amended to read as follows:

(1) No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and listed on the state multiple list of textbooks by the state textbook commission. Any changes of textbooks made by the state textbook commission shall not become effective until grades and classes of the respective county and independent school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

(2) In approving text materials for private and parochial schools for the purpose of KRS 156.160(8) and KRS 159.030 such text materials shall be approved if they are comprehensive and appropriate to the grade level in question notwithstanding the fact if they may contain elements of religious philosophy.

Section 158. KRS 158.080 is amended to read as follows:

Private and parochial schools shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state, *consistent with KRS 156.445(2)*. Except in those school districts operating a year-round school program as defined in KRS 157.320 (15), the term of the school shall not be for a shorter period in each year than the term of the public school provided in the district in which the child attending the school resides. In those school districts which are operating a year-round school program, the minimum term of private and parochial schools shall be one hundred eighty-five days.

Section 159. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 160. KRS 66.290, Administrative staff; 147A.030, Duties of executive department for finance and administration; 147A.040, Executive department for finance and administration — Divisions — Duties; 156.015, Department schools to meet standards for facilities and personnel fixed by law — Licenses not required; 156.020, Appointment of assistant superintendent of public instruction — Divisions of department; 156.050, Rules — Secretary; 156.100, Board may accept federal aid, or gift, donation or devise; 156.130, Superintendent is executive officer of state board of education — General duties; 163.040, Acceptance and expenditure of appropriations and other funds; 163.050, Personnel — Traveling expenses — Rules and regulations; 194.290, Office of geriatrics-gerontology — Administrator — Cooperation with educational institutions; 196.250, Charitable organizations not to solicit funds out of county without license; 196.260, Bureau may investigate charitable organizations; 196.460, Bureau of corrections — Commissioner — Appointment — Qualifications — Personnel; 196.470, Functions of bureau; 196.490, Funds for administering KRS 196.460 to 196.490; 249.250, Definitions of KRS 249.250 to 249.340 (Termite and Pest Control Industry); 249.255, Examining board — Members; 249.260, License — Examination — Nonresident's process agent — Fees; 249.262, Examination fees; 249.265, Advertisement by unlicensed operators prohibited; 249.270, Board may promulgate rules and regulations; 249.280, Notice and hearing on rules and regulations; 249.290, Right of entry upon property for inspection; 249.300, Revocation of license; 249.305, Suspension of license; 249.310, Licenses not transferable — Reregistration in case of death or change of business status of owner; 249.317, Hearing on denial, suspension or revocation of license; 249.319, Conduct of hearings — Testimony — Disobedience; 249.321, Notice of finding — Statement — Appeal; 249.323, Procedure on appeal — Judgment — Appeal to Court of Appeals; 249.330, Exemptions from license requirements; 249.340, Disposition of license fees; 249.345, Limitation on prosecution under KRS 249.250 to 249.340; and 350.220, Regulation of use of explosives, are repealed.

Section 161. The General Assembly confirms the reorganization of agencies and statutory administrative departments effected by Executive Orders to the extent that such reorganizations are not otherwise confirmed by this Act, as follows:

(1) Department of Education— 77-453 and 77-619.
(2) Council on Higher Education— 77-331 and 77-410.
(3) University of Louisville Board of Trustees— 77-1164.
(4) Department for Local Government— 76-639 and 77-457.
(5) Department of Justice— 76-432, 76-837, 76-992, 77-714, 77-843, 77-862 and 77-1158.
(6) Department for Natural Resources and Environmental Protection— 76-544, 76-565, 76.840, 76.841, 76-1071, 77-459, 77-933 and 77-1156.
(7) Department of Housing, Buildings and Construction— 77-1156.
(8) Department of Labor— 77-573.
(9) Department for Human Resources— 77-270, 77-271, 77-370, 77-410 and 77-994.
(10) Department of Insurance— 76-533, 76-1003, 77-564, 77-625, 77-834 and 77-1156.
(11) Department of Agriculture— 76-664, 76-480 and 77-980.
(12) Cabinet for Development— 77-74 and 77-162.
(13) Department of Commerce— 76-473 and 77-247.
(14) Department of Energy— 76-4 and 76-11.
(15) Energy Research Board— 76-867 and 77-665.
(16) Crime Victims Compensation Board and Board of Claims— 76-758.
(17) Kentucky Film Commission— 76-638 and 77-836.
(18) Kentucky Fair and Exposition Center— 76-1024.
(19) Kentucky Harness Racing Commission— 76-139 and 76-653.
(20) Bureau for the Blind— 76-1153 and 77-535.
(21) Executive Department for Finance and Administration— 76-105, 76-337, 76-338, 76-633, 76-639, 77-341, 77-575, 77-955 and 77-1147.
(22) Department of Parks— 76-842.
(23) Public Protection and Regulation Cabinet— 77-935.
(24) Office for Program Administration— 76-624.
(25) Secretary of the Governor's Executive Cabinet— 76-338.
(26) Department of Transportation— 76-105.
(27) University of Kentucky— 77-980.
(28) Murray State University— 77-980.

SB 317, AN ACT relating to wages and hours.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 337.010 is amended to read as follows:
(1) As used in this chapter, unless the context requires otherwise:
(a) "Commissioner" means commissioner of labor; [and]
(b) "Department" means department of labor; [.]

(c) [(2) As used in KRS 337.275 to 337.325, 337.345, and 337.385 to 337.405 unless the context requires otherwise:

(a)] "Wages" include any compensation due to an employe by reason of his employment, *such compensation to include salaries, commissions, vested vacation pay, overtime pay, severance or dismissal pay, earned bonuses and any other similar advantages agreed upon by the employer and the employe or provided to* *employes as an established policy; such wages to be* payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such allowances made in this chapter;

(d) [(b)] "Employer", is any person, *either individual, corporation, partnership, agency or firm* who employs an employe and includes any person, *either individual, corporation, partnership, agency or firm* acting directly or indirectly in the interest of an employer in relation to an employe; and

(e) [(c)] "Employe" is any person employed by or suffered or permitted to work for an employer. [, but shall not include:]

(2) As used in KRS 337.275 to 337.325, 337.345 and 337.385 to 337.405 unless the context requires otherwise:

(a) "Employe" is any person employed by or suffered or permitted to work for an employer, but shall not include:

(i) Any individual employed in agriculture;

(ii) Any individual employed in a bona fide executive, administrative, supervisory or professional capacity, or in the capacity of outside salesman, or as an outside collector as such terms are defined by administrative regulations of the commissioner;

(iii) Any individual employed by the United States;

(iv) Any individual employed in domestic service in or about a private home. The provisions of this section shall include individuals employed in domestic service in or about the home of an employer where there is more than one domestic servant regularly employed;

(v) Any individual classified and given a certificate by the commissioner of labor showing a status of learner, apprentice, handicapped worker, sheltered work-shop employe, and student under administrative procedures and administrative regulations as prescribed and promulgated by the commissioner of labor. This certificate shall authorize employment at such wages, less than the established fixed minimum fair wage rates, and for such period of time as shall be fixed by the commissioner and stated in the certificate issued to such person;

(vi) Employes of retail stores, service industries, hotels, motels, and restaurant operations whose average annual gross volume of sales made for business done is less than ninety-five thousand dollars ($95,000) for the five (5) preceding years exclusive of excise taxes at the retail level or if the employe is the parent, spouse, child, or other member of his employer's immediate family;

(vii) Any individual employed as a babysitter in employer's home, or live-in companion to a sick, convalescing or elderly person whose principal duties do not include housekeeping;

(viii) Any individual engaged in the delivery of newspapers to the consumer;

(ix) Any individual subject to the provisions of KRS Chapters 7, 16, 27A, 30A, and 18 provided that the Commissioner of Personnel shall have the authority to prescribe by administrative regulation those emergency employes, or others who shall receive overtime pay rates as necessary for the efficient operation of government and the protection of affected employes.

(b) [(d)] "Agriculture" means farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity, the raising of livestock, bees, furbearing animals or poultry, and any practice, including any forestry or lumbering operations, performed on a farm in conjunction with such farming operations, including the preparation and delivery of produce to storage, or to market or to carriers for transportation to market;

(c) [(e)] "Gratuity" means voluntary monetary contribution received by an employe from a guest, patron or customer for services rendered;

(d) [(f)] "Tipped employe" means any employe engaged in an occupation in which he customarily and regularly receives more than $20.00 per month in tips;

(e) [(g)] "U.S.C." means the United States Code.

(3) As used in KRS 337.505 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public works by contract fairly estimated to cost more than $500;

(b) "Contractor" and "subcontractor" include any superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c)1. "Locality" shall be determined by the commissioner of labor. He may designate more than one county as a single locality but, if more than one county is designated, such multi-county locality shall not extend beyond the boundaries of the federal congressional district in which that county is located. In no event shall he designate less than an entire county as a locality.

2. "Locality" with respect to contracts advertised or awarded by the department of transportation of this state shall be determined by the secretary of transportation. He may designate any number of counties as constituting a single locality. He may also designate all counties of the commonwealth as a single locality, but,

in no event, shall he designate less than an entire county as a locality.

(d) "Public authority" means any officer, board, or commission of this state, or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, including publicly owned or controlled corporations, authorized by law to enter into any contract for the construction of public works; and

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or work constructed under contract with any public authority.

(4) In any case where the federal government or any of its agencies furnishes by loans or grants any part of the funds used in constructing public works, and if the federal government or its agencies prescribe predetermined prevailing minimum wages to be paid to mechanics, workmen, and laborers employed in the construction of such public works and where KRS 337.505 to 337.550 is also applicable, those wages in each classification which are higher shall prevail.

Section 2. KRS 337.020 is amended to read as follows:

Every *employer* [corporation for pecuniary profit] doing business in this state shall, as often as semimonthly, pay to each of its employes all wages or salary earned [by him] to a day not more than eighteen (18) days prior to the date of that payment. Any employe who is absent at the time fixed for payment, or who, for any other reason, is not paid at that time, shall be paid thereafter at any time upon six (6) days' demand. [Any employe who leaves or is discharged from his employment shall be paid in full following his dismissal or voluntary leaving at any time upon three (3) days' demand.] No *employer* [corporation] subject to this section shall, by any means, secure exemption from it. Every such employe shall have a right of action against any such *employer* [corporation] for the full amount of his wages due on each regular pay day.

Section 3. KRS 337.310 is amended to read as follows:

(1) All questions of fact arising under KRS *337.020* [337.275 to 337.325, 337.340, 337.345, and 337.385] to 337.405 except as provided in this section, shall be decided by the commissioner. There shall be no appeal from the decision of the commissioner on any question of fact, but there shall be a right of review by the circuit court. Either party may, within twenty (20) days after the rendition of a final order of the commissioner, by petition appeal to the circuit court that would have jurisdiction to try an action for breach of contract.

(2) The review is limited to determining whether or not:

(a) The commissioner or director acted without or in excess of his powers;

(b) The order or decision was procured by fraud;

(c) The order or decision is not in conformity to the provisions of KRS *337.020* [337.275 to 337.325, 337.340, 337.345, and 337.385] to 337.405; and

(d) If findings of fact are in issue, whether they support the order or decision.

(3) The circuit court shall enter judgment affirming, modifying or setting aside the order or decision.

Section 4. KRS 337.385 is amended to read as follows:

(1) Any employer who pays any employe less than wages and overtime compensation to which such employe is entitled under or by virtue of KRS *337.020 to* [337.275 and] 337.285 shall be liable to such employe affected for the full amount of such wages and overtime compensation, less any amount actually paid to such employe by the employer, for an additional equal amount as liquidated damages, and for costs and such reasonable attorney's fees as may be allowed by the court. Provided, that if, in any action commenced to recover such unpaid wages or liquidated damages, the employer shows to the satisfaction of the court that the act or omission giving rise to such action was in good faith and that he had reasonable grounds for believing that his act or omission was not a violation of KRS *337.020 to* [337.275 and] 337.385, the court may, in its sound discretion, award no liquidated damages, or award any amount thereof not to exceed the amount specified in this section. Any agreement between such employe and the employer to work for less than the applicable wage rate shall be no defense to such action. Such action may be maintained in any court of competent jurisdiction by any one or more employes for and in behalf of himself or themselves.

(2) At the written request of any employe paid less than the amount to which he is entitled under the provisions of KRS *337.020 to* [337.275 and] 337.285, the commissioner may take an assignment of such wage claim in trust for the assigning employe and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The commissioner in case of suit shall have power to join various claimants against the same employer in one action.

Section 5.KRS 337.550 is amended to read as follows:

(1) Any laborer, workman, or mechanic employed on public works may file a complaint of any violation of any provision of KRS 337.505 to 337.550 with the department. The department shall assist him in the collection of claims of wages due him and shall also assist to the fullest extent in the administration and enforcement of KRS 337.505 to 337.550. *The Commissioner shall investigate and enforce the provisions of KRS 337.550 to KRS 337.505 to 337.550 to the fullest and shall bring all actions to collect wages due any laborer, workman, or mechanic and shall take action against any contractor or subcontractor to restrain violations of KRS 337.505 to 337.550. If any contractor or subcontractor is found to be in violation of any provisions of KRS 337.505 to 337.550, then the Commissioner shall inform the Secretary for Finance and Administration of the Commonwealth of Kentucky, and the Secretary for Finance and Administration shall hold such contractor or subcontractor ineligible to bid on public works until such time as that contractor or subcontractor is in substantial compliance as determined by the Commissioner.*

(2) A laborer, workman, or mechanic may by civil action recover any sum due him as the result of the failure of his employer to comply with the terms of KRS 337.505 to 337.550. The commissioner may also bring any legal action necessary to collect claims on behalf of any or all laborers, workmen, or mechanics. No employer shall take any punitive measure or action against an employe because such employe has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under KRS 337.505 to 337.550. The commissioner shall not be required to pay the filing fee, or other costs, in connection with such action.

Section 6.KRS 337.345 is amended to read as follows:

Except as otherwise provided in this section, the department shall not disclose the identity of any individual filing a complaint or request for inspection under any section of this chapter, except as necessary to enforce, and then, only with the specific written permission of the complainant.

Except as otherwise provided in this section, information secured from inspection of the records, or from the transcriptions thereof, or from inspection of the employer's premises by the commissioner or his authorized representatives, shall be held confidential and shall not be disclosed or be open to any person except such information may be made available to:

(1) Officials concerned with, and for the purposes of administration of the laws relating to matters under the jurisdiction of the commissioner;

(2) Any agency of this or any other state, or any federal agency for the purpose of enforcing KRS 337.275 to 337.325, 337.345, and 337.385 to 337.405;

(3) To the Wage and Hour and Public Contracts Division of the United States, Department of Labor.

Section 7. KRS 337.030, Wage earners to be paid in lawful money; and 337.040, Redemption of scrip — Action to enforce — Purchaser to keep record, are repealed.

SB 334, AN ACT relating to the financing of industrial buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 103.200 is amended to read as follows:

As used in KRS 103.200 to 103.285, "building" or "industrial building" means any building, structure, machinery, equipment or related improved site, area or edifice suitable for and intended for use as, or in connection with the use of, a factory, mill, shop, processing plant, assembly plant, fabricating plant, coal conversion facility, hospital, facility for the treatment or care of the aged or the infirm, *medical office building contiguous or related to a hospital, terminal, port, agribusiness, or any other facility useful or to be used in support of or as a part of the operation of any of the foregoing, including any office building, warehouse,* [and any] parking or pollution control area or structure or industrial transportation facility (including railroad tracks, and docks, wharves, grain handling and storage and other port facilities directly related thereto, but excluding rolling stock used outside of an industrial building) [deemed necessary to or useful in the establishment, retention or expansion thereof], or any of these things, to be rented or leased to a domestic or foreign corporation by the *Kentucky development finance authority, the* city or *the* county by which it is acquired. A processing plant, within the meaning of this section, shall include any plant established as a manufacturer's distribution center for the packaging or re-distribution of products, any product modification center, and any plant established for the purpose of processing minerals, including the washing, drying, separating, grading, preparing, sorting, and the loading thereof. *As used in this section, agribusiness means that segment of the manufacturing and service industries which processes raw agricultural products, including timber, provides value added functions, or supplies ingredients used for production of basic agricultural crops and products.*

Section 2. KRS 103.210 is amended to read as follows:

(1) In order to promote reconversion to peacetime economy, to relieve conditions of unemployment, to aid in the rehabilitation of returning veterans, to encourage the increase of industry in this state, and to aid in the retention of existing industry through the control of pollution or through conversion of energy facilities to more readily available fuels, any city or county may borrow money and issue negotiable bonds for the purpose of defraying the cost of acquiring any industrial building, either by purchase or construction, but only after an ordinance or resolution has been adopted by the legislative body of the city or the fiscal court of the county, *or the governing body of Kentucky development finance authority,* as the case may be, specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear. *This section shall not be deemed to require, however, that such ordinance or resolution be adopted prior to interim financing of the project, if such interim financing was undertaken by the proposed lessee corporation upon the basis of discussions between the corporation and responsible officials of the issuer which were later formally ratified by the appropriate governing body of the issuer.* The ordinance or resolution shall further provide that the industrial building is to be acquired pursuant to the provisions of KRS 103.200 to 103.280. Each such bond-authorizing ordinance or resolution shall be effective only after publication, in a newspaper authorized to publish official advertisements for the issuer, of the title to said ordinance or resolution, together with a statement signed by the clerk of the issuer setting forth the amount of the issue, the name of the lessee corporation, and the fact that the bonds are to be retired from the proceeds of the lease payments as set forth in KRS 103.200 to 103.285 inclusive. No publication of the complete ordinance or resolution shall be required, but said ordinance or resolution shall be entered upon the records of the issuer and shall be available for public inspection.

(2) Kentucky development finance authority is authorized to issue bonds for the purposes and in the manner provided in this section, but only for the purposes of financing (a) the acquisition or construction of an industrial building which is or will be located within the boundaries of a riverport or organized industrial park as defined by the authority upon the basis of statutory provisions relating to riverports and industrial parks, or (b) pollution control facilities in any area of the Commonwealth in connection with a loan agreement with the small business administration. Issuance of bonds in such areas by the Kentucky development finance authority shall be an alternative to issuance by a city or a county, and when acting in the capacity of an issuer of such bonds the authority shall act through its officers and the members of its governing board in the same manner as a county acting through its county judge/executive, county clerk and fiscal court. Bonds so issued shall be issued in the name of the authority.

Section 3. KRS 103.220 is amended to read as follows:

(1) The bonds may be issued to bear interest at a rate fixed by the *governing body of the issuer* [city legislative body or the fiscal court of the county], payable either annually or semiannually, and shall be executed in such manner and be payable at such times not exceeding *thirty (30)* [twenty-five (25)] years from date thereof and at such place or places as the *governing body of the issuer* [city legislative body or the fiscal court of the county, as the case may be,] determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity under conditions fixed by the *governing body of the issuer* [city legislative body or the fiscal court of the county, as the case may be,] before issuing the bonds.

(3) Any bonds issued and outstanding hereunder may, at any time on or after the earliest redemption date provided therefor at the time of their issuance, be refunded by the issuer, with the consent of the lessee, in such amount as the governing body may deem necessary to refund the principal of the bonds to be refunded, together with any unpaid interest thereon, and to pay the costs of any improvements or additions to the project, and of any premiums, expenses and commissions required to be paid in connection therewith. Any refunding bonds issued under the authority of this section shall be payable from the revenues out of which the bonds to be refunded were payable.

(4) Any bonds issued and outstanding hereunder and the coupons appertaining to such bonds shall prior to the maturity or redemption date thereof be deemed to have been paid to the same extent as if they had actually been paid in cash and retired, if (a) in case any of such bonds are to be redeemed on any date prior to their maturity, the issuer of such bonds shall have given a trustee appointed for the holders of such bonds in connection with their issuance, in form satisfactory to such trustee and in conformity with the requirements of the ordinance or resolution authorizing their issuance, irrevocable instructions to give notice of redemption of such bonds to the holders thereof by publication or by other method which is satisfactory to such trustee, (b) there shall have been deposited with the trustee either money in an amount which shall be sufficient, or direct obligations of or obligations guaranteed by the United States of America, the principal of and the interest on which, when due, will provide money which, together with the money, if any, deposited with the trustee at the same time, shall be sufficient, to pay when due the principal and the interest due and to become due on such bonds on and prior to redemption date or maturity date thereof, as the case may be, and (c) in the event that

such bonds are not to be redeemed within the next succeeding sixty (60) days, the issuer shall have given the trustee in form satisfactory to it irrevocable instructions to give, as soon as practicable, in a manner satisfactory to it, a notice to the holders of such bonds and coupons that the deposit required by (b) above has been made with the trustee, that such bonds and coupons are deemed to have been paid in accordance with the provisions hereof and stating such maturity or redemption date upon which money is to be available for the payment of the principal of and interest on such bonds. Any deposits made under (b) hereof, to the extent not secured by the federal deposit insurance corporation, shall be secured by the pledging of direct obligations of or obligations guaranteed by the United States of America.

(5) It is hereby declared and determined that the issuance of any and all refunding bonds as provided herein will be for a public purpose if the legislative body of the issuer authorizing such bonds so declares in the proceedings authorizing same, it being hereby declared and determined that the ability of any domestic or foreign corporation renting or leasing any facilities financed by the bonds to cause refunding bonds to be issued will be an inducement for such domestic or foreign corporation to establish in Kentucky the facilities provided for in KRS 103.200 and will tend to further the purposes of KRS 103.200 through 103.280.

(6) No bonds shall be issued hereunder in violation of federal statutes or regulations prohibiting arbitrage profits.

The Committee on Banking and Insurance reported **SB 229** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 229, AN ACT relating to payment of insurance benefits for services provided by certified social workers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 17, IS CREATED TO READ AS FOLLOWS:

Whenever any policy of health insurance providing supplemental or major medical type benefits issued, delivered, or amended in this state provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed certified social worker with certification for the independent practice of clinical social work, as provided in KRS Chapter 335 and the rules and regulations promulgated thereto, the insured or other person entitled to benefits under such policy shall be entitled to reimbursement for such services, as long as such services are provided as prescribed by the attending physician whether such services are performed by a duly licensed physician, or a duly licensed certified social worker with certification for the independent practice of clinical social work, notwithstanding any provision contained in such policy, or if the policy so provides, payment may be made directly to the provider of the services.

SECTION 2. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 18, IS CREATED TO READ AS FOLLOWS:

Whenever any policy or group insurance or blanket health insurance providing supplemental or major medical type benefits issued, delivered or amended in this state provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed certified social worker with certification for the independent practice of clinical social work, as provided in KRS Chapter 335 and the rules and regulations promulgated thereto, the insured or other person entitled to benefits under such policy shall be entitled to reimbursement for such services, as long as such services are provided as prescribed by the attending physician whether such services are performed by a duly licensed physician, or a duly licensed certified social worker with certification for the independent practice of clinical social work, notwithstanding any provision contained in such policy, or if the policy so provides, payment may be made directly to the provider of the services.

SECTION 3. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 32, IS CREATED TO READ AS FOLLOWS:

Whenever any policy, contract, or plan providing supplemental or major medical type benefits entered into, issued, delivered, or amended in this state by a non-profit hospital, medical-surgical, dental and health service corporation provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed certified social worker with certification for the independent practice of clinical social work, as provided in KRS Chapter 335 and the rules and regulations promulgated thereto, the insured or other person entitled to benefits under such policy, contract or plan shall be entitled to reimbursement for such services, as long as such services are provided as prescribed by the attending physician whether such services are performed by a duly licensed physician, or a duly licensed certified social worker with certification for the independent practice of clinical social work, notwithstanding any provision contained in such policy, or if the policy so provides, payment may be made directly to the provider of the services.

SECTION 4. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 38, IS CREATED TO READ AS FOLLOWS:

Any certificate, agreement, or contract providing supplemental or major medical type benefits entered into, issued, delivered, or amended in this state by a health maintenance organization which provides coverage for services which can be lawfully performed within the scope of the license of a duly licensed certified social worker with certification for the independent practice of clinical social work, as provided in KRS Chapter 335 and the rules and regulations promulgated thereto, shall be deemed to provide benefits for such services as long as such services are provided as prescribed by the attending physician whether performed by a duly licensed physician, or a duly licensed certified social worker with certification for independent practice of clinical social work.

The Committee on Health and Welfare reported **SB 290, SB 353,** with Committee Amendment attached thereto, and **SB 346** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 290, AN ACT relating to displaced homemakers.

WHEREAS, homemakers are a large unpaid segment of the labor force who have received little or no recognition for the invaluable services they provide for their families and for the contributions they have made to the welfare of this Commonwealth and of the nation; and

WHEREAS, homemakers receive no health, retirement or unemployment compensation benefits as a result of their labor; and

WHEREAS, an increasing number of homemakers are displaced in their middle years from their family role and left without financial security due to dissolution of marriage, the death of their spouse or other circumstances resulting in a substantial loss of family income; and

WHEREAS, displaced homemakers are often subject to discrimination in employment because of age, sex and lack of any recent paid work experience; and

WHEREAS, displaced homemakers are often ineligible for social security benefits because they are too young, or because they have been divorced from the family wage earner; and

WHEREAS, displaced homemakers are often ineligible for certain kinds of welfare assistance if they are not physically disabled or if their children have reached a certain age; and

WHEREAS, displaced homemakers will have often lost all of their rights as beneficiaries under employer's position and health plans either through divorce or death of their spouses, despite many years of contribution to the well-being of the family; and

WHEREAS, it is the intention of the General Assembly that this Act may provide the necessary counseling, training, jobs, services and health care for displaced homemakers so that they might be able to enjoy the financial security and independence necessary in order to lead more productive lives;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

It is hereby declared to be the purpose of this Act to allow the secretary of the department for human resources to establish multipurpose service centers to provide the necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

SECTION 2. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context otherwise requires, "displaced homemaker" means an individual who:

(1) Is forty (40) years of age or older;

(2) Has worked in the home for a substantial number of years providing unpaid household services for family members;

(3) Is not gainfully employed;

(4) Has had or reasonably is expected to have difficulty in securing employment; and

(5) Has been dependent on the income of another family member, but is no longer supported by such income, or has been dependent on government assistance, but is no longer eligible for such assistance, or is supported by benefits of the aid to families with dependent children program as provided in KRS Chapter 205,

or spousal support but whose children are within two (2) years of reaching the age of majority.

SECTION 3. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

(1) The secretary may conduct or cause to be conducted programs to assist displaced homemakers under such conditions, and at such locations, as the secretary may prescribe.

(2) Programs to assist displaced homemakers may include:

(a) Job counseling services which are specifically designed for displaced homemakers who may be entering the job market for the first time or who may be re-entering the job market after a number of years as a homemaker; and

(b) Job training and job placement services which shall be developed by working with federal, state and local government agencies and the private sector; and

(c) Assistance in gaining admission to existing public and private job training programs and opportunities; and

(d) Assistance in identifying community needs and in creating new jobs for displaced homemakers in the public and private sectors; and

(e) Health education and counseling services in cooperation with existing health programs with respect to general principles of preventive health care, family health care and nutrition; alcohol and drug addiction; and health care consumer education; and

(f) Financial management services which provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans and other related financial matters; and

(g) Educational services, which shall include outreach and information about courses offering credit through secondary or postsecondary education programs and information about such other programs which are determined to be of interest and benefit to displaced homemakers by the secretary; and

(h) Referral of displaced homemakers to the appropriate private and public agencies for advice and assistance on health care, financial matters, educational opportunities, public assistance, and legal problems and on such other matters as shall be determined to be of interest and benefit to displaced homemakers by the secretary; and

(i) General services, if needed, including but not limited to transportation to and from the training site, meals while in training, and supplies and materials that may be required for the job or training.

(3) To the greatest extent possible, the staff positions in the program shall be filled by displaced homemakers.

(4) The programs for displaced homemakers enumerated in subsections (1) through (3) of this section may exist as multi-purpose service centers physically separated from any other human service program.

(5) The director of a program shall report annually to the secretary on the effectiveness of the program of the centers including the effectiveness of job training programs, placement and other services rendered to displaced homemakers, the number of persons placed in employment, the number of displaced homemakers served under the various programs, and the cost effectiveness of the various components of the center.

SB 353, AN ACT relating to plumbing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 318.057 is amended to read as follows:

(1) Persons actively engaged in the practice of plumbing as a master plumber in this state for a period of not less than three (3) years prior to June 21, 1974 in a county or counties not heretofore subject to the provisions of KRS chapter 318 shall, upon furnishing adequate proof thereof to the department and upon payment of an application license fee of twenty-five dollars ($25.00), be entitled to a master plumber's license without examination. Application for such a license shall be filed with the department not later than *July 1, 1979* [ninety (90) days after June 21, 1974].

(2) Persons actively engaged in the practice of plumbing as a journeyman plumber in this state for a period of not less than three (3) years prior to June 21, 1974 in a county or counties not heretofore subject to the provisions of KRS chapter 318 furnishing adequate proof thereof to the department and upon payment of an application license fee of ten dollars ($10.00), be entitled to a journeyman plumber's license without examination. Application for such a license shall be filed with the department not later than *July 1, 1979* [ninety (90) days after June 21, 1974].

(3) The department shall notify, in writing by August 1, 1978, all eligible master plumbers and journeyman plumbers of the extension of the application deadline period and shall advertise the deadline in an appropriate publication or periodical.

The Committee Amendment to **SB 353** is as follows:

Amend printed copy of **SB 353,** page 1, line 12, by deleting the number "*1979*" and inserting in lieu thereof the number "*1978*"

an on page 2, line 2, by deleting the number "*1979*" and inserting in lieu thereof the number "*1978*"

and on line 5, by deleting the month "*August*" and inserting in lieu thereof the month "*May*"

SB 346, AN ACT relating to plumbing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 318.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Department" means department for natural resources and environmental protection;

(2) "Journeyman plumber" means a person who engages or offers to engage, either as an occupation or otherwise, in the construction, installation, alteration, maintenance, repair, remodeling or removal, and replacement of plumbing under the supervision, direction and responsibility of a master plumber;

(3) "Master plumber" means a person who assumes responsible charge, supervision or direction of journeyman plumbers, plumbers' apprentices and other persons in the construction, installation or alteration of plumbing or who engages in, offers to engage in or advertises or otherwise represents that he is permitted or qualified to engage in the design, planning, superintending, contracting for or responsible charge of plumbing;

(4) "Plumbing" means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building other than piping serving fire-fighting equipment;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal but not including sewers located between manholes and sewers extending five (5) feet from a main or manhole on private property; and

(d) Storm sewers and rain water piping located within a building to a point two (2) feet outside of the building and private sewage disposal systems other than those which have a treated affluent.

(5) "Public buildings" means any building intended for public use or built with public funds and includes but is not limited to the following: schools, industrial establishments, housing projects, restaurants, food-handling establishments, private clubs, theaters including drive-ins, trailer coach parks, camping areas, hospitals, nursing homes, hotels, motels, tourist courts, rooming houses, boarding houses, and other establishments furnishing public sleeping accommodations;

(6) "Maintenance man" means a person employed to maintain and keep plumbing in good repair;

(7) "Apprentice" means a person in the process of learning the plumbing trade who assists and is under the personal supervision of a licensed master or licensed journeyman plumber;

(8) "Farmstead" means a farm dwelling together with other farm buildings and structures incident to the operation and maintenance of the farm located outside the corporate limits of a municipality and not connected to a public water supply.

(9) "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, co-partnership, association, firm, trust, estate, or other entity whatsoever;

(10) "Secretary" means the secretary of the department for natural resources and environmental protection;

(11) "Code" means the Kentucky state plumbing code.

(12) "Septic tank installer" means a person who engages or offers to engage as an occupation in the installation of septic tanks and drain fields only, without the supervision of a master plumber.

Section 2. KRS 318.015 is amended to read as follows:

(1) This chapter applies and shall be in full force and effect in all counties of the Commonwealth.

(2) The state plumbing code promulgated by the department under the provisions of this chapter applies and shall be in full force and effect for all public buildings regardless of location in the Commonwealth.

(3) This chapter shall not apply to farmsteads.

(4) In any county not containing a city of the first or second class septic tanks and drain fields may be installed by a person licensed as a septic tank installer in accordance with the provisions of this chapter.

SECTION 3. A NEW SECTION OF KRS CHAPTER 318 IS CREATED TO READ AS FOLLOWS:

A duly licensed septic tank installer engaged in the installation of septic tanks and drain fields shall not be considered in violation of KRS 318.030.

Section 4. KRS 318.040 is amended to read as follows:

(1) An applicant for a master or journeyman plumber's license *or for a septic tank installer's license* shall:

(a) Be at least eighteen (18) years of age;

(b) Be of good moral character;

(c) Be a citizen of the United States or have filed with the United States district court "first papers" for United States citizenship; and

(d) Possess all the other qualifications that may be prescribed by rules and regulations of the secretary.

(2) Except as otherwise provided in this chapter, no master or journeyman plumber's license *and no septic tank installer's license* shall be issued except upon a successful passage of an examination as prescribed by the department.

(3) Examinations for a license as a master plumber or journeyman plumber *or as a septic tank installer* shall be conducted at such times and places as may be fixed by the regulations of the board. Applicants for an examination shall furnish such information as may be required by the board and shall receive from the department due notice of the time and place of the examination.

(4) The department shall prepare or cause to be prepared under its supervision examinations consisting of written and practical tests with such questions and tests as in the discretion of the department will determine:

(a) With respect to master plumber's license applicants, that such applicants are qualified in view of the definitions, provisions, and purposes of this chapter to carry on responsibly, reasonably, and competently, the activities which a licensed master plumber is authorized to engage in by this chapter; and

(b) With respect to journeyman plumber's license applicants, their knowledge and competency to carry on the activities which a licensed journeyman plumber is authorized to engage in by this chapter.

(c) With respect to septic tank installer's license applicants, their knowledge and competency to carry on the activities related to the installation of septic tanks and drain fields.

(5) The examination papers shall be preserved by the department for a period of one (1) year.

Section 5. KRS 318.050 is amended to read as follows:

Each application for a license as a master or journeyman plumber *or as a septic tank installer* shall be accompanied by a reasonable fee as established by the department.

Section 6. KRS 318.054 is amended to read as follows:

(1) Every master and journeyman plumber's license *or septic tank installer's license* issued by the department shall expire on June 30 of each year following the date of issuance unless sooner canceled or revoked.

(2) On or before June 1 of each year, the department shall send notices to all licensed master and journeyman plumbers in this state *and to all licensed septic tank installers,* at their last known addresses, advising them that the annual license renewal fee is due on July 1. The annual license renewal fee shall be a reasonable fee set by regulation of the department. The fee for the renewal of a master plumber's license shall exceed the fee charged for a journeyman plumber's license. *The fee for the renewal of a journeyman plumber's license shall exceed the fee charged for a septic tank installer's license.*

(3) Any master or journeyman plumber *or septic tank installer* who fails to renew his license on or before July 1 of each year may have his license renewed upon payment of the required renewal fee and a revival fee. The revival fee for a master plumber shall be five dollars ($5.00) and for a journeyman plumber three dollars ($3.00) *and for septic tank installer two dollars ($2.00).* If the renewal and revival fees are not paid by January 1 of the following year, such licenses shall be automatically canceled by operation of law for nonpayment; Provided, however, That such licenses may be reinstated upon payment of all delinquent renewal fees plus a revival fee of ten dollars ($10.00) for a master plumber and six dollars ($6.00) for a journeyman plumber *and five dollars ($5.00) for a septic tank installer.* Upon presentation of proper evidence, the department may waive payment of any renewal or revival fee specified herein for persons serving on active duty in the armed forces of the United States.

Section 7. KRS 318.064 is amended to read as follows:

The department may revoke or suspend any plumber's license *or any septic tank installer's license* issued by it upon proof that the licensee has:

(1) Knowingly violated the provisions of this chapter or the Kentucky state plumbing code, or the rules and regulations of the department;

(2) Practiced fraud or deception in applying for or obtaining a license;

(3) Is incompetent to perform services as a licensed master plumber or a licensed journeyman plumber *or a licensed septic tank installer*;

(4) Permitted his license to be used directly or indirectly by another to obtain or perform plumbing work or services; or

(5) Is guilty of such other unprofessional or dishonorable conduct of a character likely to deceive or defraud the public.

Section 8. KRS 318.080 is amended to read as follows:

(1) In order to conduct examinations for persons to qualify as licensed master plumbers or journeyman plumbers *or septic tank installers*, the department shall appoint as examiners the following persons to a state plumbers examining committee: An employe of the department and three (3) other persons who shall be licensed either as master or journeyman plumbers. The secretary for the department for natural resources and environmental protection shall be an ex-officio examiner and permanent secretary of the committee. With the exception of the issuance of any order involving the revocation, suspension or cancellation of a master or journeyman plumber's license, the secretary may delegate to a subordinate employe in the department the power to be present and participate, including the right to vote, as his representative at any meeting, hearing or other proceeding of the state plumbers examining committee. Plumber examiners shall serve at the pleasure of the department.

(2) The department shall appoint assistant plumber examiners who shall be qualified licensed master or journeyman plumbers who shall serve at the pleasure of the department. Assistant plumber examiners shall perform such duties as are delegated to them by the state plumbers examining committee.

(3) Plumber examiners and assistant plumber examiners shall receive no compensation for their services but shall be reimbursed for their necessary traveling expenses.

Section 9. KRS 318.100 is amended to read as follows:

No person shall advertise or hold himself out as a licensed master or licensed journeyman plumber *or as a licensed septic tank installer* within the commonwealth of Kentucky unless he is a holder of a license from the department in accordance with the provisions of this chapter.

The Committee Amendment to **SB 346** is as follows:

Amend printed copy of **SB 346,** page 4, line 8, by deleting the words "or second"

The Speaker announced that pursuant to the Rules, **HB 259** is now in Orders of the Day.

Report of Committees

The Committee on Rules reported **SB 258, SB 255, SB 257, SB 259, SB 279, SB 284, SB 288, SB 293, SB 331, SB 335, SB 337, SB 340, SJR 5, SCR 45** and **SCR 52** have been posted for passage in Orders of the Day, March 14, 1978.

The Committee on Rules reported that **HB 504** and **HB 655** have been recommitted to the Committee on Appropriations and Revenue, and **HB 750** and **SB 336** have been recommitted to the Committee on State Government.

Introduction to Bills and Resolutions

HR 129, by Representatives McNutt, Wells and DeMarcus: A RESOLUTION amending Rule 72 of the Rules of the House of Representatives.

Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

State Government: **SB 173.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

State Government: **SB 171, SB 173.**

Appropriations and Revenue: **SB 309, SB 341.**

Public Utilities and Transportation: **SB 136, SB 138.**

The Clerk announced the following Bill has been withdrawn from Committee consideration:

State Government: **SB 59.**

Announcements

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions.

Floor (Title) Amendment to **HR 128** by Representative Guenthner.

Floor Amendment No. 1 to **HR 128** by Representative Guenthner.

Floor (Title) Amendment to **SB 39** by Representative Wilborn.

Floor Amendment No. 1 to **SB 39** by Representative Wilborn.

Floor Amendment No. 5 to **SB 92** by Representative Adams.

Floor Amendment No. 4 to **SB 102** by Representative F. Smith.

Floor (Title) Amendment and Floor Amendment No. 1 to **SB 107** by Representative B. Richardson.

Floor Amendment No. 6 to **SB 114** by Representative Tobin.

Floor Amendment No. 1 to **SB 174** by Representative Arnold.

Floor Amendment No. 1 to **SB 183** by Representative B. Richardson.

Floor Amendment No. 2 to **SB 215** by Representative Hancock.

Floor Amendment No. 1 to **SB 229** by Representative Holbrook.

Floor (Title) Amendment No. 3 and Floor Amendment No. 4 to Committee Substitute for **SB 252** by Representative Siemens.

Floor Amendment No. 1 to **SB 263** by Representative Hancock.

Floor Amendment No. 1 to **SB 273** by Representative Deskins.

Floor Amendment No. 1 to **SB 289** by Representative Yates.

Floor Amendment No. 1 to **SB 332** by Representative Wilborn.

Floor (Title) Amendment and Floor Amendment No. 1 to **SB 337** by Representative Hines.

Floor Amendment No. 5 to **SB 348** by Representative Schmidt.

Floor Amendment No. 6 to **SB 348** by Representative Weinberg.

Adjournment

Representative B. Richardson moved that the House adjourn until 10:30 a.m., Tuesday, March 14, 1978.

The motion to adjourn was adopted by voice vote.

TUESDAY, MARCH 14, 1978

FIFTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Dennis Jones, First Presbyterian Church, Frankfort.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 13, 1978 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 130, by Representative Kleier: A RESOLUTION urging the Department for Human Resources, Bureau for Social Services, to create a task force to study and review all statutes related to juvenile court dependency proceedings and actions involving the termination of parental rights, and to recommend changes in these statutes.

Senate Message

Announcing passage of **SB 363, SB 265, SB 139, SB 355, SB 357, SB 192, SB 323, SB 234, SB 345, SB 354, SB 241, SR 48, HB 263, HB 576, HB 498, HB 210, HB 11, HB 350, HB 99** with Amendments, and **HR 20** with Amendments.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Health and Welfare: **SB 278.**

Report of Committees

The Committee on Agriculture and Natural Resources reported **SB 135, SB 273** with Committee Amendment attached thereto, **SB 281** with Committee Amendment attached thereto, and **SB 304** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 135, AN ACT relating to food and cosmetics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 217.015 is amended to read as follows:
For the purpose of KRS 217.005 to 217.215:
(1) The term "secretary" means the secretary for human resources;
(2) The term "department" means the department for human resources;
(3) The term "person" includes individual, partnership, corporation, and association;
(4) The term "food" means:
(a) Articles used for food or drink for man or other animals;
(b) Chewing gum; and
(c) Articles used for components of any such article;
(5) The term "drug" means:

(a) Articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; and

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and

(c) Articles (other than food) intended to affect the structure or any function of the body of man or other animals; and

(d) Articles intended for use as a component of any article specified in this subsection but does not include devices or their components, parts, or accessories;

(6) The term "device" (except when used in subsection (12) of this section and in subsection (10) of KRS 217.175, subsection (6) of KRS 217.035, subsection (3) of KRS 217.065, and subsection (3) of KRS 217.095) means instruments, apparatus and contrivances, including their components, parts and accessories, intended:

(a) For use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or

(b) To affect the structure or any function of the body of man or other animals;

(7) The term "cosmetic" means:

(a) Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance; and

(b) Articles intended for use as a component of any such articles, except that such term shall not include soap;

(8) The term "official compendium" means the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, official national formulary, or any supplement to any of them;

(9) The term "label" means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by or under authority of KRS 217.005 to 217.215 that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper;

(10) The term "immediate container" does not include package liners;

(11) The term "labeling" means all labels and other written, printed or graphic matter:

(a) Upon an article or any of its containers or wrappers; or

(b) Accompanying such article;

(12) If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual;

(13) The term "advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food, drugs, devices, or cosmetics;

(14) The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body;

(15) The term "new drug" means:

(a) Any drug the composition of which is such that such drug is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or

(b) Any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions;

(16) The term "contaminated with filth" applies to any food, drug, device, or cosmetic not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations;

(17) The provisions of KRS 217.005 to 217.215 regarding the selling of food, drugs, devices, or cosmetics, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such articles in the conduct of any food, drug, or cosmetic establishment;

(18) The term "federal act" means the federal food, drug and cosmetic act; (title 21 U.S.C. 301 et seq.; 52 stat. 1040 et seq. or amendments thereto);

(19) The term "flour" includes and shall be limited to the foods, commonly known as flour, white flour, wheat flour, plain flour, bromated flour, self-rising flour, self-rising white flour, self-rising wheat flour, phosphated flour, phosphated white flour, and phosphated wheat flour, defined under the federal act;

(20) The term "enriched" as applied to flour, means the addition to flour of vitamins and other nutritional ingredients necessary to make it conform to the definition and standard of "enriched" flour as defined under the federal act;

(21) The terms "bread" and "enriched bread" include, and shall be limited to, the foods commonly known and described as "white bread," "white rolls," "white buns," "enriched white bread," "enriched rolls," and "enriched white buns," as defined under the federal act;

(22) The term "filled milk" means any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, except the fat or oil of contained eggs and nuts and the fat or oil of substances used for flavoring purposes only, so that the resulting product is an imitation or semblance of milk, cream, skimmed milk, ice cream mix, ice cream, or frozen desserts, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, whether in bulk or in containers, hermetically sealed or unsealed. This definition does not mean or include any milk or cream from which no part of the milk or butter fat has been extracted, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added any substance rich in vitamins, nor any distinctive proprietary food compound not readily mistaken for milk or cream or for condensed, evaporated, concentrated, powdered, dried, or desiccated milk or cream, if such compound is prepared and designed for the feeding of infants or young children, sick or infirm persons, and customarily used on the order of a physician, and is packed in individual containers bearing a label in bold type that the contents are to be used for those purposes; nor shall this definition prevent the use, blending or compounding of chocolate as a flavor with milk, cream or skimmed milk, desiccated, whether in bulk or in containers, hermetically sealed or unsealed, to or with which has been added, blended or compounded no other fat or oil other than milk or butter fat;

(23) The term "practitioner" means medical or osteopathic physicians, dentists, chiropodists, and veterinarians who are licensed under the professional licensing laws of Kentucky to prescribe and administer drugs and devices;

(24) The term "prescription" means a written or oral order for a drug or medicine, or combination or mixture of drugs or medicines, or proprietary preparation, signed or given or authorized by a medical, dental, chiropody or veterinarian practitioner, and intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

(25) The term "federal meat inspection act" means the federal meat inspection act; (title 21 U.S.C. 71 et seq.; 34 stat. 1260 et seq. including any amendments thereto);

(26) The term "federal poultry products inspection act" means the federal poultry and poultry products inspection act. (Title 21 U.S.C. 451 et seq.; public law 85-172; 71 stat. 441 including any amendments thereto);

(27) The term "fair packaging and labeling act" means the fair packaging and labeling act as it relates to foods and cosmetics, (15 U.S.C. 1451, et seq.) and all amendments thereto;

(28) The term "pesticide chemical" means any substance which, alone, in chemical combination, or in formulation with one or more other substances is an "economic poison" within the meaning of the federal insecticide, fungicide and rodenticide act and subsequent amendments thereto, and which is used in the production, storage, or transportation of raw agricultural commodities;

(29) The term "raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing;

(30) The term "food additive" means any substance, the intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use) if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in a food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use; except that such term does not include:

(a) A pesticide chemical in or on a raw agricultural commodity; or

(b) A pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity; or

(c) A color additive; or

(d) Any substance used in accordance with a sanction or approval granted prior to the enactment of the food additives amendment of 1958, pursuant to the federal act; the poultry products inspection act (21 U.S.C. 451 et seq.) or the meat inspection act of 1907 and subsequent amendments thereto;

(31)(a) The term "color additive" means a material which:

1. Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source; or

2. When added or applied to a food, drug, or cosmetic, or to the human body or any part thereof, is capable (alone or through reaction with other substance) of imparting color thereto; except that such term does not include any material which has been or hereafter is exempted under the federal act;

(b) The term "color" includes, but is not limited to black, white and intermediate grays;

(c) Nothing in paragraph (a)1. of this subsection shall be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly the growth or other natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest.

(32) The term "federal environmental pesticide control act of 1972" means the federal environmental pesticide control act of 1972 (Public Law 92-516) and all amendments thereto.

Section 2. KRS 217.025 is amended to read as follows:

A food shall be deemed to be adulterated:

(1)(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this subsection if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(b) If it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of KRS 217.045; or

(c) If it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or

(d) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or

(e) If it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or

(f) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(2)(a) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(b) If any substance has been substituted wholly or in part therefor; or

(c) If damage or inferiority has been concealed in any manner; or

(d) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is;

(3) If it is confectionery and it bears or contains any nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one percentum (.4%), harmless natural wax not in excess of four-tenths of one percentum (.4%), harmless natural gum, and pectin; Provided That this subsection shall not apply to any chewing gum by reason of its containing harmless nonnutritive masticatory substances;

(4) If it bears or contains a coal-tar color other than one from a batch which has been certified under authority of the federal act;

(5) If it is filled milk.

Section 3. KRS 217.035 is amended to read as follows:

A food shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular *or its labeling or packaging fails to conform with the requirements of Section 5 of this Act*;

(2) If it is offered for sale under the name of another food;

(3) If it is an imitation of another food for which a definition and standard of identity has been prescribed by regulations as provided by KRS 217.135; or if it is an imitation of another food that is not subject to subsection (7) of this section, unless its label bears in type of uniform size and prominence, the word, imitation, and, immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed, or filled as to be misleading;

(5) If in package form, unless it bears a label containing:

(a) The name and place of business of the manufacturer, packer, or distributor;

(b) An accurate statement of the *net* quantity of the contents in terms of weight, measure, or numerical count, *which statement shall be separately and accurately stated in a uniform location upon the principal display panel of the label*; Provided That reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the secretary;

(6) If any word, statement, or other information required by or under authority of KRS 217.005 to 217.215 to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it

likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by KRS 217.135 unless:

(a) It conforms to such definition and standard; and

(b) Its label bears the name of the food specified in the definition and standard, and insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) If it purports to be or is represented as:

(a) A food for which a standard of quality has been prescribed by regulations as provided by KRS 217.135 and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or

(b) A food for which a standard or standards of fill of container have been prescribed by regulation as provided by KRS 217.135 and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If it is not subject to the provisions of subsection (7) of this section, unless it bears labeling clearly giving:

(a) The common or usual name of the food, if any there be; and

(b) In case it is fabricated from two (2) or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; Provided That, to the extent that compliance with this subsection is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the secretary;

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the secretary determines to be, and by regulations prescribes as, necessary in order to fully inform purchasers as to its value for such uses;

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; Provided That to the extent that compliance with the requirements of this subsection is impracticable, exemptions shall be established by regulations promulgated by the secretary;

(12) If it is a product intended as an ingredient of another food and when used according to the directions of the purveyor will result in the final food product being adulterated or misbranded;

(13) If it is a raw agricultural commodity which is the produce of the soil, bearing or containing a pesticide chemical applied after harvest, unless the shipping container of such commodity bears labeling which declares the presence of such chemical in or on such commodity and the common or usual name and the function of such chemical: provided, however, that no such declaration shall be required while such commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of such container in accordance with the custom of the trade;

(14) If it is a color additive unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to such color additive prescribed under the provisions of the federal act.

Section 4. KRS 217.045 is amended to read as follows:

Any poisonous or deleterious substance added to any food except where such substance is required in the production thereof or cannot be avoided by good production or manufacturing practice, shall be deemed to be unsafe for purposes of the application of KRS 217.025 (1) (b), unless a tolerance for such substance has been prescribed under the federal act *or the federal environmental pesticide control act of 1972* and the quantity of such substance in or on the food is within the tolerance so prescribed or the substance has been exempted from the requirement of a tolerance under the provisions of the federal act *or the federal environmental pesticide control act of 1972.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

Fair packaging and labeling provisions:

(1) All labels of foods and cosmetics, as defined by this Act, shall conform with the requirements for the declaration of net quantity of contents of section 4 of the fair packaging and labeling act (15 U.S.C. 1451, et seq.) and the regulations promulgated pursuant thereto. Food and cosmetics exempted from the requirements of section 4 of the fair packaging and labeling act shall also be exempt from this subsection;

(2) The label of any package of food which bears a representation as to the number of servings of such food contained in such package shall bear a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving;

(3) No person shall distribute or cause to be distributed in commerce any packaged food or cosmetic if any qualifying words or phrases appear in conjunction with the separate statement of the net quantity of contents. Supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure or count that tends to exaggerate the amount of food or cosmetic contained in the package;

(4) Whenever the secretary determines that regulations containing prohibitions or requirements other than those prescribed by this section are necessary to prevent the deception of consumers or to facilitate value comparisons as to any food or cosmetic, the secretary shall promulgate with respect to that food or cosmetic regulations effective to:

(a) Establish and define standards for the characterization of the size of a package enclosing any food or cosmetic which may be used to supplement the label statement of net quantity of contents of packages containing such food or cosmetic, but this paragraph shall not be construed as authorizing any limitation on the size, shape, weight dimensions, or number of packages which may be used to enclose any food or cosmetics;

(b) Regulate the placement upon any package containing any food or cosmetic or upon any label affixed to such food or cosmetic, of any printed matter stating or representing by implication that such food or cosmetic is offered for retail sale at a price lower than the ordinary and customary retail sale price or that a retail sale price advantage is accorded to purchasers thereof by reason of the size of that package or the quantity of its contents;

(c) Require that the label on each package of food or cosmetic bear:

1. The common or usual name of such food or cosmetic, if any; and

2. In case such food or cosmetic consists of two or more ingredients, the common or usual name of each such ingredient listed in order of decreasing predominance, but nothing in this paragraph shall be deemed to require that any trade secret be divulged; or

(d) Prevent the nonfunctional slack-fill of packages containing food or cosmetics;

(e) For the purpose of paragraph (d) of this subsection, a package shall be deemed to be nonfunctionally slack-filled if it is filled of substantially less than its capacity for reasons other than:

1. Protection of the contents of such package; or

2. The requirements of machines used for enclosing the contents in such package; provided, that the secretary may adopt any regulations promulgated to comply with the fair packaging and labeling act.

Section 6. KRS 217.095 is amended to read as follows:

A cosmetic shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular *or if its labeling or packaging fails to conform with the requirements of Section 5 of this Act*;

(2) If in package form unless it bears a label containing:

(a) The name and place of business of the manufacturer, packer, or distributor; and

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count, *which statement shall be separately and accurately stated in a uniform location upon the principal display panel of the label*; Provided That reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the secretary;

(3) If any word, statement, or other information required by or under authority of KRS 217.005 to 217.215 to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(4) If its container is so made, formed or filled as to be misleading;

(5) If it is a color additive, unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to such color additive prescribed under the provisions of the federal act. This subsection shall not apply to packages of color additives which, with respect to their use for cosmetics, are marketed and intended for use only in or on hair dyes as defined in KRS 217.085;

(6) A cosmetic which is, in accordance with the practice of the trade, to be processed, labeled or repacked in substantial quantities at an establishment other than the establishment where it was originally processed or packed, is exempted from the affirmative labeling requirements of this Act while it is in transit in commerce from the one establishment to the other, if such transit is made in good faith for such completion purposes only; but it is otherwise subject to all applicable provisions of this Act.

Section 7. KRS 217.125 is amended to read as follows:

The authority to promulgate regulations for the efficient administration and enforcement of KRS 217.005 to 217.215 is hereby vested in the secretary. The secretary may make the regulations promulgated under KRS 217.005 to 217.215 consistent with those promulgated under the federal act *and the fair packaging and labeling act. Regulations promulgated may require permits to operate and include provisions for regulating the issuance, suspension, and reinstatement of permits.*

Section 8. KRS 217.145 is amended to read as follows:

(1) A food additive shall with respect to any particular use or intended use of such additive, be deemed to be unsafe within the meaning of KRS 217.025 (1) (b) and 217.045, unless it and its use or intended use

conform to the terms of an exemption as provided under the federal act, or, a regulation issued under the federal act prescribing the conditions under which such additive may be safely used.

(2) Any poisonous or deleterious pesticide chemical, or any pesticide chemical which is not recognized by the department as safe for use, added to a raw agricultural commodity, shall be deemed unsafe within the meaning of KRS 217.025 (1) (b), unless a tolerance for such pesticide chemical in or on the raw agricultural commodity has been prescribed under the federal act *or the federal environmental pesticide control act of 1972* and the quantity of such pesticide chemical in or on the raw agricultural commodity is within the tolerance so prescribed; or the pesticide chemical has been exempted from the requirement of a tolerance under provisions of the federal act *or the federal environmental pesticide control act of 1972.*

(3) A color additive shall with respect to any particular use (for which it is being used or intended to be used or is represented as suitable) in or on food or drugs or cosmetics, be deemed unsafe for the purposes of the application of KRS 217.025 (4), 217.055 (1) (d), or 217.085 (5), as the case may be, unless there is in effect, and such color additive and such use are in conformity with a regulation as provided under the federal act, or such color additive and such use conform to the terms of an exception under the federal act.

Section 9. KRS 217.175 is amended to read as follows:

The following acts and the causing thereof within the Commonwealth of Kentucky are hereby prohibited:

(1) The manufacture, sale, or delivery, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated or misbranded;

(2) The adulteration or misbranding of any food, drug, device, or cosmetic;

(3) The receipt in commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise;

(4) The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of KRS 217.075;

(5) The dissemination of any false advertisement;

(6) The refusal to permit entry or inspection, or to permit the taking of a sample or to permit access to records or evidence, as authorized by KRS 217.155;

(7) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of the person residing in the Commonwealth of Kentucky from whom he received in good faith the food, drug, device, or cosmetic;

(8) The removal or disposal of a detained or quarantined article in violation of KRS 217.115;

(9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, drug, device, or cosmetic, if such act is done while such article is held for sale and results in such article being adulterated or misbranded;

(10) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of KRS 217.005 to 217.215;

(11) The using, on the labeling of any drug or in any advertisement relating to such drug, of any representation or suggestion that any application with respect to such drug is effective under KRS 217.075, or that such drug complies with the provisions of such section;

(12) The manufacture, sale or exchange of any filled milk;

(13) The manufacture, mixing, compounding, selling, or offering for sale of any flour unless the same is enriched; Provided That this prohibition shall not apply to flour sold to bakeries or other commercial secondary processors, which flour is used only in the production of enriched flour or enriched bread or in the manufacture of products not required to be enriched;

(14) The manufacture, baking, sale, or offering for sale of any bread except bread conforming to the definition of enriched bread.

SB 273, AN ACT relating to mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

(1) Except as herein provided, all strip mining operations which commence operations pursuant to a permit issued on or after February 3, 1978, shall comply, and such permits shall contain terms requiring compliance, with the provisions of Sections 2, 3, 4, 5, 6, 7, 8, and 10 of this Act, except in those strip mining operations which affect two (2) acres or less and except with regard to the mining of clay, limestone, sand, gravel, fluorspar, stone and rock asphalt.

(2) On and after May 3, 1978, all strip mining operations shall comply with the provisions of Sections 2, 3, 4, 5, 6, 7, 8, and 10 of this Act, except in those strip mining operations which affect two (2) acres or less, except with regard to the mining of clay, limestone, sand, gravel, fluorspar, stone and rock asphalt.

SECTION 2. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:
The operator shall restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit applicant's declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of federal, state, or local law.

SECTION 3. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:
Except as provided in Section 11(2)(a) through 11(2)(e) of this Act, the operator shall with respect to all strip mining operations backfill, compact, (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated, (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this chapter); provided, however, that in strip mining which is carried out at the same location over a substantial period of time where the operation transects the coal deposit, and the thickness of the coal deposits relative to the volume of the overburden is large and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area or otherwise available from the entire permit area is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact, (where advisable), using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region; and, provided further, that in strip mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate contour, backfill, grade, and compact, (where advisable), the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that such overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this chapter.

SECTION 4. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:
The operator shall remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation. Or where topsoil is of insufficient quantity or of poor quality for sustaining vegetation, the operator may, with the approval of the department, employ the technology required to utilize alternative soil materials approved by the department or soil amendments necessary to sustain vegetation in accordance with the requirements of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:
The operator shall minimize disturbances to the prevailing hydrologic balance at the mine-site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after strip mining operations and during reclamation by:

(1) Avoiding acid or other toxic mine drainage by such measures as, but not limited to:

(a) Preventing or removing water from contact with toxic producing deposits;

(b) Treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses; and

(c) Casing, sealing, or otherwise managing boreholes, shafts, and wells and keep acid or other toxic drainage from entering ground and surface waters;

(2) Conducting strip mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow, or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or federal law;

(3) Constructing any siltation structures pursuant to Section 5(2) of this Act prior to commencement of strip mining operations, such structures to be certified by a qualified registered engineer to be constructed as designed and as approved in the reclamation plan;

(4) Cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized, and depositing the silt and debris at a site and in a manner approved by the department;

(5) Restoring recharge capacity of the mined area to approximate premining conditions;

(6) Avoiding channel deepening or enlargement in operations requiring the discharge of water from mines; and

(7) Such other actions as the department may prescribe.

SECTION 6. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

The operator shall design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to subsection (f) of Section 515 of Public Law 95-87, "Surface Mining Control and Reclamation Act of 1977," all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments.

SECTION 7. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

The operator shall:

(1) Provide adequate advance written notice to local governments and residents who might be affected by the use of such explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality and by mailing a copy of the proposed blasting schedule to every resident living within one-half mile of the proposed blasting site and by providing daily notice to resident/occupiers in such areas prior to any blasting;

(2) Maintain for a period of at least three (3) years and make available for public inspection upon request a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blasts;

(3) Limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent injury to persons, damage to public and private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel, or availability of ground or surface water outside the permit area;

(4) Require that all blasting operations be conducted by trained and competent persons as certified by the department of mines and minerals; and

(5) Provide that upon the request of a resident or owner of a man-made dwelling or structure within one-half mile of any portion of the permitted area the applicant or permittee shall conduct a pre-blasting survey of such structures and submit the survey to the department and a copy to the resident or owner making the request. The area of the survey shall be decided by the department and shall include such provisions as the department shall promulgate. The department and the department of mines and minerals are authorized to enter into agreements whereby the department or the department of mines and minerals administers part or all of this section.

(6) Penalties for violations of this section are those set forth in KRS 350.990.

SECTION 8. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

The operator shall establish on the regraded areas, and all other lands affected, a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except, that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining land use plan.

SECTION 9. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

The operator shall place all excess spoil material resulting from strip mining and reclamation activities pursuant to Section 10(2) of this Act in the following manner:

(1) Spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way to assure mass stability and to prevent mass movement;

(2) The areas of disposal are within the bonded permit areas and all organic matter shall be removed immediately prior to spoil placement;

(3) Appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and movement;

(4) The disposal area does not contain springs, natural water courses, or wet-weather seeps unless lateral drains are constructed from the wet area to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented;

(5) If placed on a slope, the spoil is placed upon the most moderate slope among those upon which, in the judgment of the department, the spoil could be placed in compliance with all the requirements of this Act and shall be placed, where possible, upon, or above, a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement;

(6) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed;

(7) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses;

(8) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards; and

(9) All other provisions of this chapter are met.

SECTION 10. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

The following performance standards shall be applicable to steep-slope strip mining and shall be in addition to those general performance standards required by Sections 2, 3, 4, 5, 6, 7, and 8 of this Act; provided, however, that the provisions of this section shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with the provisions of Section 11(2) of this Act:

(1) The operator shall insure that when performing strip mining on steep slopes, debris, abandoned or disabled equipment, spoil material, or waste mineral matter not be placed on the downslope below the bench or mining cut; provided, that spoil material in excess of that required for the reconstruction of the approximate original contour under the provisions of Section 3 or Section 10(2) of this Act shall be permanently stored pursuant to Section 9 of this Act.

(2) The operator shall complete backfilling with spoil material and shall be required to cover completely the highwall and return the site to the approximate original contour, which material will maintain stability following mining and reclamation.

(3) The operator may not disturb land above the top of the highwall unless the department finds that the disturbance will facilitate compliance with the environmental protection standards of this subsection; provided, however, that the land disturbed above the highwall shall be limited to that amount necessary to facilitate compliance.

(4) For the purposes of this section, the term "steep slope" is any slope above twenty (20) degrees or such lesser slope as may be defined by the department, by regulation, after consideration of soil, climate, and other characteristics of the region.

SECTION 11. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

(1) If the area proposed to be mined contains prime farmland as defined in Public Law 95-87, "Surface Mining Control and Reclamation Act of 1977," then no permit shall be issued unless it complies with Section 510(d)(1) therein. Nothing in this subsection shall apply to any permit issued prior to August 3, 1977, or to any revisions or renewals thereof, or to any existing strip mining operations for which a permit was issued prior to August 3, 1977. Nothing herein shall be construed as authorizing the department to promulgate regulations more stringent than those promulgated pursuant to PL 95-87 relating to prime farmland.

(2) Where a strip mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, the operation shall comply with the requirements of Section 11(2)(c) and Section 11(2)(d) of this Act without regard to the requirements of Section 3 of this Act or Section 10(2) and Section 10(3) of this Act with respect to lands from which overburden and the coal seam being mined have not been removed; provided, however, the department shall establish internal procedures pursuant to which it shall permit strip mining operations for the purposes set forth in Section 11(2)(b) of this Act.

(a) Where an applicant meets the requirements of Section 11(2)(b) and Section 11(2)(c) of this Act a permit without regard to the requirements to restore to approximate original contour set forth in Section 3 or Section 10(2) and Section 10(3) of this Act may be granted for the strip mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill, except as provided in Section 11(3)(d) of this Act, by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining and capable of supporting postmining uses in accord with the requirements of this subsection.

(b) In cases where an industrial, commercial, agricultural, residential, or public facility, including recreational facilities, use is proposed for the postmining use of the affected land, the department may grant a permit for a strip mining operation of the nature described in Section 11(2)(a) of this Act where:

1. After consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is deemed by the department to constitute an equal or better economic or public use of the affected land as compared with premining use;

2. The applicant presents specific plans for the proposed postmining land use and appropriate assurances that the land use will be:

a. Compatible with adjacent land uses;

b. Obtainable according to data regarding expected need and market;

c. Assured of investment in necessary public facilities;

d. Supported by commitments from public agencies where appropriate;

e. Practicable with respect to private financial capability for completion of the proposed use;

f. Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use; and

g. Designed by a registered engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site;

3. The proposed use would be consistent with adjacent land uses and existing state and local land use plans; and

4. The department provides the governing body of the unit of general-purpose government in which the land is located, and any state or federal agency which the department in its discretion determines to have an interest in the proposed use, an opportunity of not more than thirty (30) days to review and comment on the proposed use; and

5. All other requirements of this chapter will be met.

(c) In granting any permit pursuant to this subsection the following requirements apply:

1. The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion;

2. The reclaimed area is stable;

3. The resulting plateau or rolling contour drains inward from the outslopes except at specified points;

4. No damage will be done to natural watercourses;

5. Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use; provided, that all excess spoil material not retained on the mountaintop shall be placed in accordance with the provisions of Section 9 of this Act; and

6. Insure stability of the spoil retained on the mountaintop and meet the other requirements of this chapter.

(d) The requirements of all regulations promulgated under this subsection are met.

(e) All permits granted under the provisions of this subsection shall be reviewed not more than three (3) years from the date of issuance of the permit, unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(3)(a) The department shall adopt procedures pursuant to which it may permit variances for the purposes set forth in Section 11(3)(c) of this Act, provided that the watershed control of the area is improved; and further provided complete backfilling with spoil material shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

(b) Where an applicant meets the requirements of Section 11(3)(c) of this Act, a variance from the requirement to restore the approximate original contour set forth in Section 10(2) of this Act may be granted for the strip mining of coal where the owner of the surface knowingly requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreational facilities, in accord with the further provisions of Section 11(3)(c) and Section 11(3)(d) of this Act.

(c) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land shall:

1. Be deemed by the department to constitute an equal or better economic or public use;

2. Be designed and certified by a qualified registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site; and

3. The watershed of the affected land be deemed by the department to be improved.

(d) In granting a variance pursuant to Section 11(3) of this Act, the department shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, insure stability of the spoil retained on the bench, meet all other requirements of this chapter, and require all spoil placement off the mine bench to comply with Section 9 of this Act.

(e) The department shall promulgate specific regulations as it deems necessary, if any, to govern the granting of variances in accord with the provisions of this subsection and may impose such additional requirements as it deems to be necessary.

(f) All exceptions granted under the provisions of this subsection shall be reviewed not more than three (3) years from the date of issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(4) Strip and underground coal mining operations in operation pursuant to a permit issued before August 4, 1977, issued to a person as defined in KRS 350.010(7) in existence prior to May 2, 1977, and operated by a person whose total annual production of coal from surface and underground coal mining operations does not exceed one hundred thousand (100,000) tons shall not be subject to the provisions set forth in Section 1 and Section 11(2) of this Act, except with reference to the provision of Section 10(1) of this Act, until January 1, 1979. The department shall certify qualified applicants pursuant to this subsection.

SECTION 12. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

If authorized in the approved strip mining and reclamation plan and permit, the operator may create permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that:

(1) The size of the impoundment is adequate for its intended purposes;

(2) The impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006);

(3) The quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality below water quality standards established pursuant to applicable federal and state law in the receiving stream;

(4) The level of water will be reasonably stable;

(5) Final grading will provide adequate safety and access for proposed water users; and

(6) Such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

SECTION 13. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

No employe of the state performing any function or duty under this chapter shall have a direct or indirect financial interest in any underground or strip coal mining operation. Whoever knowingly violates the provisions of this section is guilty of a Class A misdemeanor, and shall, upon conviction, be punished by a fine of not more than two thousand and five hundred dollars ($2,500), or by imprisonment of not more than one (1) year, or both.

Section 14. KRS 350.010 is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "Strip mining" means the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include *the extraction of coal by a land owner for his own noncommercial use from land owned or leased by him; the extraction of coal as an incidental part of federal, state or local government financed highway or other construction under regulations established by the department nor shall it include the surface effects or surface impacts of underground coal mining* [those aspects of deep mining not having significant effect on the surface, and shall not include excavation or grading when conducted solely in aid of on-site farming or construction];

(2) "Overburden" means all of the earth and other materials which lie above a natural deposit of coal and also means such earth and other material after removal from their natural state in the process of strip mining;

(3) "Area of land affected" means the area of land from which overburden is to be or has been removed and upon which the overburden is to be or has been deposited and shall include all lands affected by the construction of new roads or the improvement or use of existing roads other than public roads, to gain access and to haul coal;

(4) "*Operations* [Operation]" means all of the premises, facilities, roads and equipment used in the process of producing coal from a designated strip mine area or removing overburden for the purpose of determining the location, quality or quantity of a natural coal deposit *or the activity to facilitate or accomplish the extraction or the removal of coal*;

(5) "Method of operation" means the method or manner by which the cut or open pit is made, the overburden is placed or handled, water is controlled and other acts are performed by the operator in the

process of uncovering and removing the coal;

(6) "Operator" means any person, partnership or corporation engaged in strip mining who removes or intends to remove more than *two hundred fifty (250)* [one hundred (100)] tons of coal from the earth by strip mining within twelve (12) successive calendar months or who removes overburden for the purpose of determining the location, quality or quantity of a natural coal deposit;

(7) "Person" means any persons, partnership, [or] corporation, *association, society, joint stock company, firm, company or other business organization*;

(8) "Department" means the department for natural resources and environmental protection;

(9) "Secretary" means the secretary of the department for natural resources and environmental protection;

(10) "Reclamation" means the reconditioning of the area [of land] affected by strip mining under a plan approved by the *department* [division];

(11) "Degree" when used in this chapter shall mean from the horizontal, and in each case shall be subject to a tolerance of five percent (5%) of error;

(12) "Bench" means the ledge, shelf or terrace formed in the contour method of strip mining;

(13) "Fill bench" means that portion of the bench which is formed by depositing overburden beyond the cut section.

(14) "Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that the reclaimed area, including any terracing or access roads (when not necessary to support its approved postmining use), closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls and spoil piles eliminated; water impoundments may be permitted where the department determines that they are in compliance with Section 12 of this Act.

Section 15. KRS 350.028 is amended to read as follows:

The department for natural resources and environmental protection shall have and exercise the following authority and powers:

(1) To adopt [in the manner prescribed in subsection (16) of KRS 224.033 and subsections (5) and (6) of KRS 224.045] rules and regulations pertaining to strip mining to accomplish the purposes of this chapter;

(2) To conduct investigations and hearings under provisions of this chapter and KRS chapter 224 or regulations adopted pursuant thereto.

(3) To issue after hearing, *suspension orders or* orders requiring an operator to adopt such remedial measures as are necessary to comply with this chapter and regulations adopted pursuant thereto;

(4) To issue after a hearing, a final order directing the *Kentucky bureau of surface mining reclamation and enforcement* [department] to revoke a permit, when the requirements set forth by the notice of noncompliance, order of suspension, or an order of the department requiring remedial measures have not been complied with according to the terms therein*; and*

(5) To adopt rules and regulations to allow the state to administer and enforce the initial regulation procedure of Section 502 of Public Law 95-87, "Surface Mining Control and Reclamation Act of 1977".

Section 16. KRS 350.085 is amended to read as follows:

(1) No application for a permit *and no operation* shall be approved *or allowed* by the department if there is found on the basis of the information set forth in the application that the requirements of this chapter or regulations will not be observed or that there is not probable cause to believe that the proposed method of operation, backfilling, grading or reclamation of the affected area can be carried out consistent with the purpose of this chapter;

(2) If the department finds that the overburden on any part of the area of land described in the application for a permit is such that experience in the commonwealth with a similar type of operation upon land with similar overburden shows that substantial deposition of sediment in stream beds, landslides or acid water pollution cannot feasibly be prevented, the department may delete such part of the land described in the application upon which such overburden exists;

(3) *Subject to valid existing rights no strip mining operation except those which existed on or before August 4, 1977 shall be permitted to be within three hundred (300) feet from any occupied dwelling unless waived by the owner thereof, nor within three hundred (300) feet of any public building, school, church, community, or institutional building, public park, or within one hundred (100) feet of a cemetery. Nor shall the department issue a permit if it* [If the department] finds that the operation will constitute a hazard to *or do physical damage to* a dwelling house, public building, school, church, cemetery, commercial or institutional building, public road, stream, lake or other public property. [,] The department shall delete such areas from the permit application *or operation* [before it can be approved];

(4) The department shall not give approval to strip mine any area which is within one hundred (100) feet of *the outside right-of-way line of any public road, except where mine access roads or haulage roads join*

such right-of-way line and except that the department may permit such roads to be relocated or the area affected to lie within one hundred (100) feet of such road, if after public notice and opportunity for public hearing in the locality a written finding is made that the interest of the public and the land owner affected thereby will be protected, [any public road, stream, lake or other public property] and shall not approve the application for a permit where the strip mining operation will adversely affect a wild river established pursuant to KRS chapter 146, or a state, national or interstate park unless adequate screening and other measures as approved by the department are incorporated into the permit application.

Section 17. KRS 350.090 is amended to read as follows:

(1) Under the provisions of this chapter and regulations adopted by the department, an operator shall prepare and carry out a method of operation, plan of grading and backfilling and a reclamation plan for the area of land affected by his operation. In developing a method of operation, and the plans of backfilling, grading and reclamation, all measures shall be taken to eliminate damages to members of the public, their real and personal property, public roads, streams and all other public property from soil erosion, rolling stones and overburden, water pollution and hazards dangerous to life and property. The plan shall be submitted to the department and the department shall notify the applicant by certified mail, return receipt requested or by registered mail within thirty (30) working days after receipt of the plan and complete application if it is or is not acceptable. If the plan is not acceptable, the department shall set forth the reasons for which the plan is not acceptable and it may propose modifications, delete areas or reject the entire plan. Should the applicant disagree with the decision of the department, he may, by written notice, request a hearing conducted by the department in the manner provided by KRS 224.083. The department shall notify the applicant by certified mail, return receipt requested or by registered mail within twenty (20) days after the hearing of its decision. Any person aggrieved by a final order of the department may appeal through the courts as set forth in KRS 224.085.

(2) [In addition to the method of operation, grading, backfilling and reclamation requirements of this chapter and regulations adopted pursuant thereto, the operator, consistent with the directives of subsection (1) above, shall be required to perform the following:

(a) Cover the face of the coal with compacted nonacid-bearing and nontoxic materials to a distance of at least four (4) feet above the seam being strip mined or by a permanent water impoundment;

(b) Bury under adequate fill all toxic materials, roof coal, pyritic coal or shale determined by the department to be acid producing, toxic, or creating a fire hazard;

(c) Seal off, as directed by regulations, any break through of acid water creating a fire hazard;

(d) Impound, drain or treat all runoff water so as to reduce soil erosion, damage to agricultural lands and pollution of streams and other waters;

(e) Remove or bury all metal, lumber, and other refuse resulting from the operation.

(3)] No operator shall throw, dump, pile or permit the dumping, piling or throwing or otherwise placing any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060 or place such materials herein described in such a way that normal erosion or slides brought about by natural physical causes will permit such materials to go beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060.

Section 18. KRS 350.093 is amended to read as follows:

(1) [On lands where the method of operation does not produce a bench (area strip mining), complete backfilling shall be required, beginning at or beyond the top of the highwall and sloped to the toe of the spoil bank at a maximum angle not to exceed the approximate original contour of the land with no depressions to accumulate water. Such backfilling shall eliminate all highwalls and spoil peaks. Whenever directed by the department, the operator shall construct in the final grading, such diversion ditches or terraces as will control the water runoff on long uninterrupted slopes. Additional restoration work may be required by the department according to regulations adopted by the department.

(2) On lands where the method of operation produces a bench (contour strip mining), terrace backfilling shall be required and performed as follows:

(a) All highwalls must be reduced or backfilled. The steepest slope of the reduced or backfilled highwall and of the outer slope of the fill bench shall be no greater than forty-five (45) degrees from the horizontal; provided, however, if the highwall is composed of solid rock and sufficient soil is not available to backfill or cover the solid rock suitable to establish vegetative cover, the department, by regulation, may make modifications to the requirements of this section;

(b) The table portion of the restored area shall be a terrace;

(c) Whenever excess spoil is placed in the head-of-the-hollow fills, it shall be compacted under regulations promulgated by the department;

(d) Ridge fills shall not exceed a depth of ten (10) feet;

(e) The restored area shall have a minimum depth of four (4) feet of fill over the floor of the pit from which the coal has been removed;

(f) There shall be no depressions to accumulate water but lateral drainage ditches connecting to natural or constructed waterways shall be constructed whenever directed by the department;

(g)] Additional restoration work may be required by the *department* [division] according to regulations adopted by the department;

[(h) In addition to the backfilling and grading requirements above, the operator's method of operation on steep slopes shall be regulated and controlled according to regulations adopted by the department. Such regulations shall limit bench widths, shall limit the amount of overburden to be placed beyond the solid bench to forty percent (40%) or less of the material disturbed except where the mineral is recovered by the auger method of mining only and without blasting, may prohibit any overburden from being placed beyond the solid bench on precipitous slopes as defined by the department, or may require any measure whatsoever to accomplish the purpose of this chapter.

(3) An operator may propose alternative plans other than backfilling where a water impoundment is desired, if such restoration will be consistent with the purpose of this chapter. Such plans are to be submitted to the department, and if such plans are approved by the department and complied with within the time limits as may be determined by the department as being reasonable for carrying out such plans, the backfilling requirements of this chapter may be modified by the department.]

(2) [(4)] As determined by regulations of the department, time limits shall be established requiring backfilling, grading and planting to be kept current. All backfilling and grading shall be completed before necessary equipment is moved from the operation.

(3) [(5)] If the operator or other person desires to conduct drift mining upon the premises or use the openings for haulageways or other lawful purposes, the operator may designate locations to be used for such purposes at which places it will not be necessary to backfill as herein provided for until such drift mining or other use is completed, during which time the bond on file for that portion of the operation shall not be released. That portion of such locations shall be described and designated on the map attached thereto.

(4) [(6)] When the backfilling and grading have been completed and approved by the department and the soil ph level required by department regulations has been satisfied, the secretary sall release the bond which was filed for that portion of such operation in its full amount less three hundred dollars ($300) per acre, which shall be retained by the department until such time as the planting and revegetation is done according to law and approved by the department, at which time the secretary shall release the bond in the remaining amount of three hundred dollars ($300) per acre.

Section 19. KRS 350.095 is amended to read as follows:

After the operation has been backfilled, graded and approved by the department, the operator shall prepare the soil and plant *vegetation* [trees, shrubs, grasses and legumes] upon the area of the land affected in order to provide a suitable vegetative cover. The seed or plant mixtures, quantities, method of planting, type and amount of lime or fertilizer, and any other measures necessary to provide a suitable vegetative cover shall be defined by regulations of the department.

Section 20. KRS 350.130 is amended to read as follows:

(1) If any of the requirements of this chapter or rules or regulations adopted pursuant thereto or the orders of the department have not been complied with within the time limits set by the department or by this chapter, the department shall cause a notice of noncompliance to be served upon the operator, or where found necessary, the secretary shall *after hearing (except as provided in KRS 224.071)* order the suspension of a permit *or operation.* Such notice or order shall be handed to the *person in charge of the operation, and the* operator in person or served by certified mail, return receipt requested or by registered mail addressed to the permanent address shown on the application for a permit *or if no address is shown on the application, then to the address known to the department.* The notice of noncompliance or order of suspension shall specify in what respects the operator has failed to comply with this chapter or the regulations or orders of the department. If the operator has not reached an agreement with the department or has not complied with the requirements set forth in the notice of noncompliance or order of suspension within time limits set therein, the permit may be revoked *or the operation terminated, after hearing,* by order of the department and the performance bond, *if any,* shall then be forfeited to the department.

(2) When a bond is forfeited pursuant to the provisions of this chapter, the secretary shall give notice to the attorney general, who shall collect the forfeiture.

(3) An operator *or person* whose mining permit *or operation* has been revoked, [or] suspended, *or terminated* shall not be eligible to receive another permit *or begin another operation* or to have suspended permits *or operations* reinstated until he shall have complied with all the requirements of this chapter in respect to all permits issued him, provided, further, that no operator *or person* shall be eligible to receive

another permit *or begin another operation* who has forfeited any bond unless the land for which the bond was forfeited has been reclaimed without cost to the state or the operator *or person* has paid such sum as the department finds is adequate to reclaim such lands. The department shall not issue any additional permits to *or allow future operations by* any operator *or person* who has repeatedly been in noncompliance or violation of this chapter, or who has had permits revoked *or operations terminated* on more than three (3) occasions. [The department shall issue regulations concerning repeated noncompliance by any operator.]

Section 21. KRS 350.133 is amended to read as follows:

Nothing in this chapter shall prohibit *the mountaintop* [or change present regulations regarding mountain-top] removal method of strip mining coal *under the conditions set forth in this chapter or regulations promulgated pursuant thereto* [or the mining of multiple seams of coal, where a lower bench has been created].

Section 22. KRS 350.151 is amended to read as follows:

(1) The department for natural resources and environmental protection shall promulgate rules and regulations for the reclamation of land disturbed or removed by *operations* [activities] resulting from or incident to a mine as defined in KRS 352.010(1)(s). *Such regulations shall recognize the distinct differences between the surface effects of underground mining and strip mining, and shall be promulgated pursuant to this section only, and shall be enforced as provided in KRS 350.130 and 350.990.* Those activities *may* [shall] include, but not be limited to, the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and all lands affected by haulage, excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface *but said regulations shall not be more stringent than those applied to strip mining.*

(2) The operator shall file with the department a bond payable to the Commonwealth of Kentucky with surety satisfactory to the department in the penal sum to be determined by the department on the recommendation of the secretary of not less than five hundred dollars ($500) nor more than three thousand dollars ($3,000) for each acre or fraction thereof of the area of land affected, with a minimum bond of five thousand dollars ($5,000) conditioned upon the faithful performance of the requirements set forth in this section and of the rules and regulations of the department. The department shall accept, in lieu of the surety provided herein, the deposit by the operator of United States government securities, cash, or its equivalent in a sum equal to the principal amount of the required bond.

Section 23. KRS 350.060 is amended to read as follows:

(1) No operator shall engage in strip mining without having first obtained from the department a permit designating the area of land affected by the operation. *Permits* [The permit] shall authorize the operator to engage in strip mining upon the area of land described in his application for a period of *not less than two (2) years notwithstanding* [one (1) year from] the date of [its] issuance. *No mining shall be permitted beyond the time period obligations of the initial or extended bond coverage*;

(2) An operator desiring a permit shall file an application which shall state:

(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;

(b) The owner or owners of the surface of the area of land to be affected by the permit and the owner or owners of all surface area within five hundred (500) feet of any part of the affected area;

(c) The owner or owners of the coal to be mined;

(d) The source of the applicant's legal right to mine the coal on the land affected by the permit;

(e) The permanent and temporary post-office addresses of the applicant;

(f) Whether the applicant or any person, partnership or corporation associated with the applicant holds or has held any other permits under this chapter, and an identification of such permits;

(g) Whether or not the applicant is in compliance with subsection (3) of KRS 350.130 and whether or not every officer, partner, director or any individual owning of record or beneficially (alone or with associates) if known, ten percent (10%) or more of any class of stock of the applicant, is subject to any of the provisions of subsection (3) of KRS 350.130 and he shall so certify;

(3) The application for a permit shall be accompanied by *five (5)* [two (2)] copies of a United States geological survey topographic map *or such other map acceptable to the department* on which the operator has indicated the location of the operation, the course which would be taken by drainage from the operation to the stream or streams to which such drainage would normally flow, the name of the applicant and date, and the name of the person who located the operation on the map;

(4) The application for a permit shall be accompanied by *five (5)* [two (2)] copies of an enlarged United States geological survey topographic map *or such other map acceptable to the department* meeting the

requirements of the subsections below. The map shall:

(a) Be prepared and certified by a professional engineer, registered under the provisions of KRS chapter 322. The certification shall be in the form as provided in subsection (5) below;

(b) Identify the area to correspond with the application;

(c) Show adjacent deep mining and the boundaries of surface properties and names of owners on the affected area and within five hundred (500) feet of any part of the affected area;

(d) Be of a scale of not less than four hundred (400) feet to the inch and not to exceed six hundred and sixty (660) feet to the inch;

(e) Show the names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area of land affected and within five hundred (500) feet of such area;

(f) Show by appropriate markings the boundaries of the area of land affected, the cropline of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land affected;

(g) Show the date on which the map was prepared, the north point and the quadrangle name;

(h) Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the streams or tributaries receiving the discharge;

(5) The certification of the maps by the professional engineer shall read as follows: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the strip mining laws of this state." The certification shall be signed and notarized. The department may reject any map as incomplete if its accuracy is not so attested;

(6) The application for a permit shall be accompanied by a transportation plan which shall set forth the portions of the state primary road system, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of KRS 189.271 to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the department of transportation attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the state primary road system and the accuracy of the specifications of weight limits on such highways and bridges.

(7) In addition to the information and maps required above, each application for a permit shall be accompanied by detailed plans or proposals showing the method of operation, the manner, time and distance for backfilling, grading work and a reclamation plan for the affected area, which proposals shall meet the requirements of this chapter and rules and regulations adopted pursuant thereto.

(8) Each application shall also be accompanied by a statement of consent to have strip mining conducted upon the area of land described in the application for a permit. The statement of consent shall be signed by each holder of a freehold interest in such land. Each signature shall be notarized. No permit shall be issued if the application therefor is not accompanied by the statement of consent. This statement of consent shall not be required for coal mined under the provisions of KRS chapters 351 and 352.

(9) A basic fee of one hundred and fifty dollars ($150) plus thirty-five dollars ($35.00) for each acre or fraction thereof of the area of land to be affected by the operation shall be paid before the permit required herein shall be issued. The operator shall file with the department a bond payable to the Commonwealth of Kentucky with surety satisfactory to the department in the penal sum to be determined by the department on the recommendation of the secretary of not less than five hundred dollars ($500) nor more than three thousand dollars ($3,000) for each acre or fraction thereof of the area of land affected, with a minimum bond of five thousand dollars ($5,000), conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations of the department. In determining the amount of the bond within the above limits, the department shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of backfilling, grading and reclamation to be required. In a particular instance where the circumstances are such as to warrant an exception, the department, in its discretion, may reduce the amount of the bond for a particular operation to less than the required minimum.

(10) The department shall promulgate rules and regulations setting forth operation requirements for the extraction of coal for commercial purposes where the strip mining operation affects two (2) acres or less. Such regulations shall not be more stringent than those imposed on strip mining operations affecting more than two (2) acres. All performance, procedural, and notice requirements for strip mining operations which affect two (2) acres or less shall be promulgated by regulation pursuant to this subsection, except the enforcement provisions of KRS 350.130, the penalty provisions of KRS 350.990, the permitting requirements in subsection (1) of this section, and the bonding requirements set forth in subsection (9) of this section.

(11)(a) Any valid permit issued pursuant to this chapter shall carry with it the right of successive renewal upon expiration with respect to areas within the boundaries of the existing permit. The holders of the permit may apply for renewal and such renewal shall be issued (provided that on application for renewal the

burden shall be on the opponents of renewal), and the public notice requirements of this chapter shall not apply unless it is established that and written findings by the department are made that:

1. The terms and conditions of the existing permit are not being satisfactorily met;

2. The present strip coal mining and reclamation operation is not in compliance with the environmental protection standards of this chapter;

3. The renewal requested substantially jeopardizes the operator's continuing responsibility on existing permit areas;

4. The operator has not provided evidence that the performance bond in effect for any renewal requested in such application as well as any additional bond the department might require; or

5. Any additional revised or updated information required by the department has not been provided. Prior to the approval of any renewal of permit the department shall provide notice to the appropriate public authorities.

(b) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for renewal of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new applications under this chapter;

(c) Any permit renewal shall be for a term not to exceed the period of the original permit. Application for permit renewal shall be made not later than thirty (30) working days prior to the expiration of the valid permit.

Section 24. KRS 350.070 is amended to read as follows:

The department may increase or reduce the area of land affected by an operation under a permit on application by an operator, but an increase shall not extend the period for which an original permit was issued. An operator may, at any time *during the term* [within one (1) year from the date of issuance] of the permit, apply to the department for an amendment of the permit so as to increase or reduce the acreage affected by it. The operator shall file an application and map in the same form and with the same content as required for an original application under this chapter and shall pay a basic fee of one hundred and fifty dollars ($150), plus a fee of thirty-five dollars ($35.00) for each acre or fraction of acre for the increase requested, and shall file with the department a supplemental bond in the amount to be determined under the provisions of KRS 350.060 for each acre or fraction of an acre of the increase approved. If the department approves a reduction in the acreage covered by the original or supplemental permit, it shall release the bond for each acre reduced, but in no case shall the bond be reduced below five thousand dollars ($5,000), except as provided in subsection (7) of KRS 350.060. If the department approves a reduction in acreage covered by the original or supplemental permit, it shall transfer the acreage fee for each acre reduced to acreage fees in subsequent permit applications by the operator.

Section 25. KRS 224.037 is amended to read as follows:

The department is hereby designated as the water pollution agency for this state and for any city, county, or district, or authority within this state for all purposes of the Water Pollution Control Act (Public Law 80-845 approved June 30, 1948), as amended; as air pollution agency for this state for all purposes of the Federal Air Quality Act (Public Law 90-148, approved November 21, 1948), as amended, and as solid waste agency for this state for all purposes of the Federal Solid Waste Disposal Act (Public Law 89-272, approved October 20, 1965), as amended, *and as the surface mining agency for this state for all purposes of the federal surface mining control and reclamation act (Public Law 95-87, approved August 3, 1977), as amended.* The department may take all action necessary or appropriate to secure to this state and all cities, counties, districts, and authorities within this state the benefits of such federal acts.

SECTION 26. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

Where the issuance of an injunction by any court of competent jurisdiction enjoins the enforcement of the provisions contained in this Act, which are the same as the Initial Regulatory Procedures of Section 502 of Public Law 95-87, "Surface Mining Control and Reclamation Act of 1977," or where this Act is held to be invalid, the remaining provisions of this chapter shall not be affected thereby.

Section 27. KRS 350.135 is amended to read as follows:

(1) Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the department may release the first operator from all liability under this chapter as to that particular operation: Provided, however, That *the successor operator has* [both operators have] been issued a permit and *has* [have] otherwise complied with the requirements of this chapter, and the successor operator assumes as part of his obligation under this chapter, all liability for the reclamation of the area of land affected by the former operator.

(2) A successor in interest to a permittee who applies for a new permit within thirty (30) days of succeeding to such interest and who is able to obtain the bond coverage of the original permittee may continue strip mining and reclamation operations according to the approved mining and reclamation plan of the original permittee until such successor's application is granted or denied.

Section 28. KRS 350.220, Regulation of use of explosives, is repealed.

Section 29. Whereas, the U.S. government requires certain performance standards for strip mining and reclamation in the states to be complied with by February 3, 1978 and by May 3, 1978, an emergency is declared to exist and this Act shall become effective on May 3, 1978.

The Committee Amendment No. 1 to **SB 273** is as follows:

Amend printed copy of **SB 273,** page 3, after line 6, by adding:

"(f) Procedures for the assumption of the small operator assistance program pursuant to the Surface Mining Control and Reclamation Act of 1977 (PL 95-87). The Department shall assume and implement that program and apply for and administer funds as may be provided pursuant to that Act."

The Committee Amendment No. 2 to **SB 273** is as follows:

Amend printed copy of **SB 273,** page 47, after line 3, by adding the following:

"SECTION 26. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of this section and regulations promulgated pursuant thereto (except with regard to the mining of clay, limestone, sand, gravel, fluorspar, stone, and rock asphalt) shall apply to the regulation of all surface coal mining and reclamation operations in the Commonwealth in the event that the Commonwealth receives from the United States department of interior and pursuant to the surface mining control and reclamation act of 1977 (PL 95-87) approval of a permanent state regulatory program, and the Commonwealth has promulgated regulations pursuant to this section.

(2) The department for natural resources and environmental protection is hereby authorized and directed to prepare, develop and promulgate a comprehensive permanent regulatory program for the implementation of the surface mining control and reclamation act of 1977 (PL 95-87) for the purpose of accepting and administering primary enforcement responsibilities pursuant to that Act. The implementation of this section shall contain procedures similar to the surface mining control and reclamation act of 1977 (PL 95-87) and shall require surface coal mining operation performance standards no more stringent than provided for in that Act. Nothing herein shall be construed to empower the department to adopt a regulatory program in conflict with the policy and purposes of the surface mining control and reclamation act of 1977 (PL 95-87). To that end, the department for natural resources and environmental protection shall include in its permanent regulatory program:

(a) Environmental protection performance standards to prevent or minimize the adverse environmental effects of surface coal mining and reclamation operations on the land and water resources of the Commonwealth.

(b) A procedure for designating as being unsuitable for mining certain lands because of their topographical, geological, hydrological, climatological, biological, or chemical characteristics or historical, cultural, scientific or aesthetic values.

(c) Procedures for the allowance of those persons having a valid legal interest which is or may be adversely affected to have the opportunity to be heard at every significant or critical part of the administrative and judicial process.

(d) Procedures for the administrative and judicial review of all actions of the department to administer and enforce the provisions of this Act.

(e) Plans and procedures for the reclamation and restoration of land and water resources affected by mining which have been abandoned or inadequately reclaimed to the standards imposed by this section and for which no bond is held or legal obligation to reclaim continues. Such plan shall include provisions for the imposition of liens for necessary reclamation expenditures made on private property.

(f) Procedures for the assumption of the small operator assistance program pursuant to the surface mining control and reclamation act of 1977 (PL 95-87). The department shall assume and implement that program and apply for and administer funds as may be provided pursuant to that Act.

(3) In addition to any other authority, power and duty vested in it by law, the department shall have and exercise broad authority, power and duty to:

(a) Require those persons who wish to engage in surface coal mining and reclamation operations to submit application for a permit from the department to conduct such operations, and to include in that application all information required by the department pertaining to that operation.

(b) Issue, deny, modify or suspend under such conditions as the department may prescribe, permits to conduct surface coal mining and reclamation operations within the Commonwealth.

(c) Enter and inspect any permitted surface coal mining and reclamation operation or any known or suspected unpermitted mining operation for the purpose of ascertaining compliance with any provision of this section or of the permit.

(d) Order the cessation of mining activities, and if necessary impose affirmative abatement obligations, upon the operator when, upon inspection, the department determines that this section or any permit condition is being or has been violated so as to constitute an imminent and inordinate peril to the welfare of the Commonwealth.

(e) Order an operator to comply with the requirements of this section or his permit if inspection reveals a violation of the conditions of his permit or of any provision of this section.

(f) Order an operator to appear and show cause why his permit should not be revoked and his bond forfeited if the department determines that the operator or the permitted operation has a pattern of violations of this section or permit conditions, and has wilfully violated this section or permit conditions or a pattern of violations exists and that such violations are caused by the permittees' unwarranted failure to comply with this section or permit conditions.

(g) Require, increase, release or decrease, under such conditions as the department may prescribe reclamation performance bonds and cause the forfeiture and collection of those bonds where the permittee has abandoned the operation or for which the permit under which the bond was given has been revoked or has expired without the required reclamation.

(h) To administratively impose, in lieu of those civil penalties provided for in KRS 350.990, civil penalties of up to $5,000 per day for violations of permit conditions, this section, or any orders of the department and enforce the administrative assessment of such penalties by initiating civil action in the Franklin circuit court or in any court having jurisdiction of the defendant.

(i) Conduct hearings and make investigations of any matter relating to the regulation of surface coal mining and reclamation operations.

(j) Provide for variances or exceptions from or in addition to mining performance standards, recognizing the specific characteristics inherent in:

(a) steep slope mining

(b) mountaintop removal

(c) relatively low acreage disturbance or annual coal production

(d) prime farmland mining as defined by the United States department of agriculture, and to provide for other variances where land uses and watersheds will be improved

(e) post mining uses different from and as beneficial as the pre-mining uses

(k) Receive and expend funds or aid from whatever source to accomplish the purposes of this Act.

(l) Propose and promulgate regulations to accomplish the purposes of this section.

(4) The department shall not promulgate regulations which are inconsistent with the surface mining control and reclamation act of 1977 (PL 95-87).

(5) Any person who violates a provision of this section or the regulations promulgated pursuant thereto shall be subject to those penalties and remedies set forth in KRS 350.990 except as provided for in (h) herein.

Section 27. For the purposes of regulations promulgated under the provisions of Section 28 of this Act, the interim joint committee on agriculture and natural resources shall have the same authority and responsibility as the administrative regulations review subcommittee has under KRS Chapter 13. Following the regulations review by the interim committee the same shall be reviewed by the administrative regulations review subcommittee for the purposes of KRS Chapter 13.

Section 28. Section 26 and 27 of this Act shall become effective June 1, 1979."

And by renumbering all subsequent sections.

SB 281, AN ACT relating to mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 350.020 is amended to read as follows:

The general assembly finds *that the Commonwealth is the leading producer of coal and that the production of coal in Kentucky contributes significantly to the nation's energy needs. The general assembly further finds* that the unregulated strip mining of coal causes soil erosion, damage from rolling stones and overburden, landslides, stream pollution, the accumulation of stagnant water and the seepage of contaminated water, increases the likelihood of floods, destroys the value of land for agricultural purposes, destroys aesthetic values, counteracts efforts for the conservation of soil, water and other natural resources, destroys or impairs the property rights of citizens, creates fire hazards, and in general creates hazards dangerous to life and property, so as to constitute an imminent and inordinate peril to the welfare of the Commonwealth. The general assembly further finds that lands that have been subjected to strip mining and have not been reclaimed and rehabilitated in accordance with modern standards constitute the aforementioned perils to the welfare of the Commonwealth. The general assembly further finds that there are wide variations in the circumstances and conditions surrounding and arising out of the strip mining of coal due primarily to difference in topographical and geological conditions, and by reason thereof it is necessary, in order to provide the most effective, beneficial and equitable solution to the problem, that a broad discretion be vested in the authority designated to administer and enforce the regulatory provisions enacted by the general assembly. Therefore, it is the purpose of this chapter to provide such regulation and control of the strip mining of coal as to minimize or prevent its injurious effects on the people and resources of the Commonwealth. To that end, the [division and the] department *is* [are] directed to rigidly enforce this chapter and to adopt whatever regulations are found necessary to accomplish the purpose of this chapter.

Section 2. KRS 350.035 is amended to read as follows:

There is established within the department a bureau of surface mining reclamation and enforcement which shall be headed by a commissioner appointed by the secretary with the approval of the governor as required by KRS 12.050. The secretary shall divide the bureau into a division of permits, division of standards and specifications, division of operations and enforcement, division of orphan land reclamation, and any other offices or divisions as the secretary may deem necessary to perform the functions, powers and duties of the bureau, subject to the provisions of KRS Chapter 12. [The director of the division of reclamation shall be appointed by the commissioner of environmental protection in accordance with KRS 12.050.]

Section 3. KRS 350.050 is amended to read as follows:

The department for natural resources and environmental protection under the supervision of the secretary of the department for natural resources and environmental protection shall have and exercise the following authority and powers:

(1) To exercise general supervision and administration and enforcement of this chapter and all rules and regulations and orders promulgated thereunder;

(2) To encourage and conduct investigations, research, experiments and demonstrations, and to collect and disseminate information relating to strip mining and reclamation of lands and waters affected by strip mining;

(3) To adopt, without hearing, *internal procedures* [rules and regulations] with respect to the filing of reports, the issuance of permits and other matters of procedure and administration;

(4) To examine and pass upon all plans and specifications submitted by the operator for the method of operation, backfilling, grading and for the reclamation of the area of land affected by his operation;

(5) To make investigations or inspections which may be deemed necessary to insure compliance with any provision of this chapter;

(6) To order, through personnel of the department, the suspension of any permit for failure to comply with any of the provisions of this chapter or any regulations adopted pursuant thereto;

(7) To order, through personnel of the department, the stopping of any operation that is started without first having secured a permit as required by this chapter.

Section 4. KRS 350.060 is amended to read as follows:

(1) No operator shall engage in strip mining without having first obtained from the department a permit designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application for a period of one (1) year from the date of its issuance;

(2) An operator desiring a permit shall file an application which shall state:

(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;

(b) The owner or owners of the surface of the area of land to be affected by the permit and the owner or owners of all surface area within five hundred (500) feet of any part of the affected area;

(c) The owner or owners of the coal to be mined;

(d) The source of the applicant's legal right to mine the coal on the land affected by the permit;

(e) The permanent and temporary post-office addresses of the applicant;

(f) Whether the applicant or any person, partnership or corporation associated with the applicant holds or has held any other permits under this chapter, and an identification of such permits;

(g) Whether or not the applicant is in compliance with subsection (3) of KRS 350.130 and whether or not every officer, partner, director or any individual owning of record or beneficially (alone or with associates) if known, ten percent (10%) or more of any class of stock of the applicant, is subject to any of the provisions of subsection (3) of KRS 350.130 and he shall so certify;

(3) The application for a permit shall be accompanied by two (2) copies of a United States geological survey topographic map on which the operator has indicated the location of the operation, the course which would be taken by drainage from the operation to the stream or streams to which such drainage would normally flow, the name of the applicant and date, and the name of the person who located the operation on the map;

(4) The application for a permit shall be accompanied by two (2) copies of an enlarged United States geological survey topographic map meeting the requirements of the subsections below. The map shall:

(a) Be prepared and certified by a professional engineer, registered under the provisions of KRS chapter 322. The certification shall be in the form as provided in subsection (5) below;

(b) Identify the area to correspond with the application;

(c) Show adjacent deep mining and the boundaries of surface properties and names of owners on the affected area and within five hundred (500) feet of any part of the affected area;

(d) Be of a scale of not less than four hundred (400) feet to the inch and not to exceed six hundred and sixty (660) feet to the inch;

(e) Show the names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area of land affected and within five hundred (500) feet of such area;

(f) Show by appropriate markings the boundaries of the area of land affected, the cropline of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land affected;

(g) Show the date on which the map was prepared, the north point and the quadrangle name;

(h) Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the streams or tributaries receiving the discharge;

(5) The certification of the maps by the professional engineer shall read as follows: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the strip mining laws of this state." The certification shall be signed and notarized. The department may reject any map as incomplete if its accuracy is not so attested;

(6) The application for a permit shall be accompanied by a transportation plan which shall set forth the portions of the state primary road system, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of KRS 189.271 to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the department of transportation attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the state primary road system and the accuracy of the specifications of weight limits on such highways and bridges.

(7) In addition to the information and maps required above, each application for a permit shall be accompanied by detailed plans or proposals showing the method of operation, the manner, time and distance for backfilling, grading work and a reclamation plan for the affected area, which proposals shall meet the requirements of this chapter and rules and regulations adopted pursuant thereto.

(8) Each application shall also be accompanied by a statement of consent to have strip mining conducted upon the area of land described in the application for a permit. The statement of consent shall be signed by each holder of a freehold interest in such land. Each signature shall be notarized. No permit shall be issued if the application therefor is not accompanied by the statement of consent. This statement of consent shall not be required for coal mined under the provisions of KRS chapters 351 and 352.

(9) A basic fee *set by regulation, and bearing a reasonable relationship to the cost of processing the permit application but not to exceed two hundred and fifty dollars ($250)* [of one hundred and fifty dollars ($150)] plus *a fee set by regulation but not to exceed fifty dollars ($50.00)* [thirty-five dollars ($35.00)] for each acre or fraction thereof of the area of land to be affected by the operation shall be paid before the permit required herein shall be issued. The operator shall file with the department a bond payable to the Commonwealth of Kentucky with surety satisfactory to the department in the penal sum to be determined by the department on the recommendation of the secretary of not less than five hundred dollars ($500) nor more than three thousand dollars ($3,000) for each acre or fraction thereof of the area of land affected, with a

minimum bond of five thousand dollars ($5,000), conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations of the department. In determining the amount of the bond within the above limits, the department shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of backfilling, grading and reclamation to be required. In a particular instance where the circumstances are such as to warrant an exception, the department, in its discretion, may reduce the amount of the bond for a particular operation to less than the required minimum.

Section 5. KRS 350.070 is amended to read as follows:

The department may increase or reduce the area of land affected by an operation under a permit on application by an operator, but an increase shall not extend the period for which an original permit was issued. An operator may, at any time within one (1) year from the date of issuance of the permit, apply to the department for an amendment of the permit so as to increase or reduce the acreage affected by it. The operator shall file an application and map in the same form and with the same content as required for an original application under this chapter and shall pay a basic fee *set by regulation and bearing a reasonable relationship to the cost of processing the permit application but not to exceed two hundred and fifty dollars ($250)* [of one hundred and fifty dollars ($150)], plus a fee *set by regulation but not to exceed fifty dollars ($50.00)* [of thirty-five dollars ($35.00)] for each acre or fraction of acre for the increase requested, and shall file with the department a supplemental bond in the amount to be determined under the provisions of KRS 350.060 for each acre or fraction of an acre of the increase approved. If the department approves a reduction in the acreage covered by the original or supplemental permit, it shall release the bond for each acre reduced, but in no case shall the bond be reduced below five thousand dollars ($5,000), except as provided in subsection (7) of KRS 350.060. If the department approves a reduction in acreage covered by the original or supplemental permit, it shall transfer the acreage fee for each acre reduced to acreage fees in subsequent permit applications by the operator. by the operator.

Section 6. KRS 350.113 is amended to read as follows:

(1) When the planting of a permit area is completed, the operator shall file a planting report with the department on a form to be prescribed and furnished by the department, giving the following information:

(a) Identification of the operation;
(b) The type of planting or seeding, including mixtures and amounts;
(c) The date of planting or seeding;
(d) The area of land planted;
(e) Such other relevant information as the *department* [director] may require;

(2) All planting reports shall be certified by the operator;

(3) Inspection and evaluation for vegetative cover shall be made as soon as it is possible to determine if a satisfactory stand has been established. In no instance shall this vegetative cover check be made until just prior to or after the completion of the first growing season. If the department determines that a satisfactory vegetative cover has been established, it shall then release the remaining bond held on the area reclaimed.

Section 7. KRS 350.150 is amended to read as follows:

(1) In the reclamation of land affected by strip mining for which it has funds available, the department may avail itself of any services which may be provided by other state agencies or by agencies of the federal government, and may compensate them for such services. The department may also receive any federal funds, state funds or any other funds for the reclamation of land affected by strip mining. The department may cause the reclamation work to be done by its own employes or by employes of other governmental agencies, soil conservation districts, or through contracts with qualified persons. Such contracts shall be awarded to the lowest responsible bidder upon competitive bids after reasonable advertisement. The department and any other agency and any contractor under a contract with the department shall have the right of access to the land affected to carry out such reclamation.

(2) Any funds available to the *department* [commission] and any public works program (both funds and services) may be used and expended to reclaim and rehabilitate any lands that have been subjected to strip mining that have not been reclaimed and rehabilitated in accordance with standards set by this chapter or regulations thereunder and which are not covered by bond to guarantee such reclamation.

(3) A person or organization, having qualifications acceptable to the department, may post bond or a cash deposit, in a sum determined by the department, and assume the liability for carrying out the reclamation plan approved by the department in areas where the mining operation and any necessary grading and backfilling have been completed. The department shall then release the bond posted by the operator for such area.

Section 8. KRS 350.154 is amended to read as follows:

The *department* [division of reclamation] shall have the power to backfill, grade, plant and perform other acts of restoration and reclamation, or contract for the performance of such restoration work, on any lands acquired under KRS 350.152 to 350.163 and 350.240, to the extent and subject to such conditions as state or federal funds are appropriated and available therefor.

Section 9. KRS 350.163 is amended to read as follows:

(1) The department is authorized and empowered to receive and accept from the Commonwealth or any of its agencies and from federal agencies appropriations or grants to accomplish the purposes of *this chapter* [KRS 350.152 to 350.163 and 350.240], and to receive and accept aid or contributions from any source of either money, property, labor or any other things of value, to accomplish the purposes of *this chapter* [KRS 350.152 to 350.163 and 350.240].

(2) All funds available or paid to the department under *this chapter* [KRS 350.152 to 350.163 and 350.240], shall be placed in the state treasury and credited pursuant to the terms of the appropriation, grant, aid or contribution.

Section 10. KRS 350.250 is amended to read as follows:

Any citizen of this Commonwealth having knowledge that any of the provisions of this chapter or regulations adopted thereunder are wilfully and deliberately not being enforced by any public officer or employe, whose duty it is to enforce such provisions of this chapter and regulations thereunder, may bring such failure to enforce the law to the attention of such public officer or employe. To provide against unreasonable and irresponsible demands being made, all such demands to enforce the law must be in writing, under oath, with facts set forth specifically stating the nature of the failure to enforce the law. *Any person who wilfully and knowingly states* [The stating of] false facts and charges in such affidavit shall *be* [constitute perjury and shall] subject [the affiant] to penalties provided under the law *for* [of] perjury. If such public officer or employe neglects or refuses for any unreasonable time after demand to enforce such provision, any such citizen shall have the right to bring an action of mandamus in the circuit court of the county in which the operation which relates to the alleged lack of enforcement is being conducted. The court, if satisfied that any provision of this chapter or regulation thereunder is not being enforced, *shall* [may] make an appropriate order compelling the public officer or employe, whose duty it is to enforce such provision, to perform his duties, and upon failure to do so such public officer or employe shall be held in contempt of court and shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Section 11. KRS 350.990 is amended to read as follows:

(1) Any person or operator who violates any of the provisions of this chapter or regulations adopted pursuant thereto or who fails to perform the duties imposed by these provisions, *except the refusal or failure to obtain a permit or other authorization* [or fails or refuses to obtain a permit] as provided herein, or who violates any determination or order promulgated pursuant to the provisions of this chapter, shall be liable to a civil penalty of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000) for said violation, and an additional civil penalty of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the department's office of general counsel, or upon the secretary's request, by the attorney general. *The Franklin Circuit Court shall hold concurrent jurisdiction and venue of all civil and injunctive actions instituted by the department or by the attorney general on its behalf for the enforcement of the provisions of this chapter or the orders, rules, and regulations of the department promulgated pursuant thereto.* [in the Franklin Circuit Court or in the circuit court having jurisdiction of the defendant, and] All sums recovered shall be placed in the state treasury.

(2) *Any person who engages in strip mining without first securing a permit, as provided in KRS 350.060, or any person who engages in activities incident to a mine, as defined in KRS 352.010(1)(s) pursuant to KRS 350.151 without such authorization as may be required by the department shall be liable to a civil penalty for damages to the Commonwealth of not less than five thousand dollars ($5,000) nor more than twenty-five thousand dollars ($25,000) and in addition, may be enjoined from continuing such violations as hereinafter provided. Each day shall constitute a separate violation. However, the penalties provided for in subsection (1) of this section shall apply in lieu of the penalties provided for in this subsection where an operator through inadvertence has exceeded the boundaries of the permit in effect at that time.*

(3) It shall be the duty of the department's office of general counsel, or upon the secretary's request of the attorney general to bring an action for the recovery of the penalties herein provided for and to bring an action for a restraining order, temporary or permanent injunction, against any operator or other person violating or threatening to violate any of the provisions of this chapter or violating or threatening to violate any order or determination promulgated pursuant to the provisions of this chapter. *The Franklin Circuit Court*

shall hold concurrent jurisdiction and venue of all civil and injunctive actions instituted by the department or by the attorney general on its behalf for the enforcement of the provisions of this chapter or the orders, rules, and regulations of the department promulgated pursuant thereto.

(4) [(3)] Any person who shall willfully violate any of the provisions of this chapter, *except as provided in subsection (5)* or any determination or order promulgated pursuant to the sections of this chapter which have become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars ($500) and not more than five thousand dollars ($5,000). Each day on which such violation occurs shall constitute a separate offense.

(5) Any person who, in violation of KRS 350.060, wilfully and knowingly engages in strip mining without first obtaining a permit from the department or any person who wilfully and knowingly engages in activities incident to a mine as defined in KRS 352.010(1)(s) pursuant to KRS 350.151, without such authorization as is required by the department with the intent to violate such laws shall be guilty of a Class A misdemeanor and upon conviction thereof shall be imprisoned for a term of up to one (1) year.

SECTION 12. A NEW SECTION OF KRS 350.060 TO 350.070 IS AMENDED TO READ AS FOLLOWS:
No person may purchase coal from a person who has mined coal and who is required by law to have a permit or other authorization to mine from the department, without first being shown that person's valid mining permit or other authorization as has been given to the person by the department.

Section 13. If any provision of this Act or the applicability thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

The Committee Amendment No. 1 to **SB 281** is as follows:

Amend printed copy of **SB 281,** page 19, lines 1 through 8, by deleting lines 1 through 8 in their entirety;

and on line 9, by renumbering Section 13 as Section 12.

SB 304, AN ACT relating to blasting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 351.330 is amended to read as follows:

(1) Blasting of explosives for use in the neighborhood of any public highway, stream of water, dwelling house, public building, school, church, commercial or institutional building, pipeline, or utility shall be done in accordance with the provisions of this section, and rules and regulations promulgated by the department.

(2) Where necessary in a blasting operation, the department may require that the operator submit a blasting plan to the department for approval.

(3) In all blasting operations, except as hereinafter otherwise provided, the maximum peak particle velocity of the ground motion in any direction shall not exceed two inches per second at the immediate location of any dwelling house, public building, school, church, commercial or institutional building and the particle velocity at such location immediately after a period of one second following the peak particle velocity produced by any charge shall not continuously exceed one-half inch per second.

(4) Blasting operations without instrumentation will be considered as being within the limits set forth in this subsection if such blasting operations are conducted in accordance with rules and regulations of the department establishing the maximum amount of explosives to be used in a single charge and in a single subcharge within specified distances from any location provided by subsection (1). No more than 40,000 pounds of explosives may be used in any charge except with the approval of the commissioner. Regulations promulgated by the department pursuant to this subsection shall be in such terms that compliance therewith will assure compliance with the provisions of subsection (3).

(5) No two consecutive subcharges containing the maximum permitted by the department pursuant to this subsection shall have a detonation time separated by less than eight milliseconds, except that if the amount of explosive used in any subcharge is less than maximum permitted by the department pursuant to subsection (4), the time delay between detonation times may be decreased in the same ratio.

(6) Any blasting operation may be conducted without reference to any maximum amount or period provided by or pursuant to subsection (4) if the operator of such blasting operation demonstrates by instrumentation that maximum particle velocity of the ground motion in any direction does not exceed the limits provided in subsection (3).

(7) Instruments for determining particle velocity as set forth in this subsection shall be limited to such specific types of devices as shall have been expressly approved by the department and the commissioner or his duly authorized agent may enter upon any premises for the purpose of conducting or supervising any necessary instrumentations provided by KRS 351.315 to 351.375.

(8) When blasting operations are contemplated which would result in ground vibrations that would have a particle velocity in any direction in excess of 2 inches per second at the immediate location of any dwelling house, public building, school, church, commercial or institutional building, blasting operations may proceed after receiving written consent from the property owner or owners affected.

(9) When blasting operations, other than those conducted at a fixed site as a part of any industry or business operated at such site, are to be conducted within the vicinity of a pipeline or public utility, the blaster or person in charge of the blasting operations shall take due precautionary measures for the protection of the pipeline or utility, and shall give adequate notice to the owner or his agent that such blasting operations are intended. The blaster shall be subject to regulations promulgated by the department concerning such blasting operation.

(10) Blasting operations near streams shall be prohibited in all cases where the effect of the blasting is liable to change the course or channel of any stream without first obtaining a permit from the department which has been approved by the division of water in the department for natural resources and environmental protection.

(11) Blasting operations shall not be conducted within eight hundred feet of any public highway, unless due precautionary measures are taken to safeguard the public.

(12) Mudcapping in blasting operations shall be permitted only where it would endanger the safety of the workers to drill the rock or material to be blasted. If mudcapping is necessary, no more than ten pounds of explosives shall be used for each charge.

(13) When the use of detonating cord would cause severe air blast the department may cause all trunk lines to be covered by 5 to 6 inches of loose earth.

(14) In blasting operations, flying rocks shall not be allowed to fall greater than one-half the distance between the blast and a dwelling house, public building, school, church, commercial or institutional building. Protective material shall be used to insure this limit.

(15) When a blast is about to be fired, ample warning shall be given to allow all persons to retreat to a safe place, and care shall be taken to ascertain that all persons are in the clear. Each operator shall follow a definite plan of warning signals that can be clearly seen or heard by anyone in the blasting area. The operator shall inform all employes at the operation as to the established procedure.

(16) No persons shall use explosives in such manner that safety to persons or property is threatened.

(17) The two (2) inch per second maximum peak particle velocity as specified in subsections three (3) and eight (8) of this section shall be construed as the threshold below which blasting damage is unlikely to occur. However, the department shall have the authority to promulgate regulations requiring more restrictive levels of maximum peak particle velocity when necessary to maintain consistency with federal statutes or regulations.

Section 2. KRS 351.335 is amended to read as follows:

(1) The department shall have the authority for promulgating regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives *including, but not limited to, airblasts, pre-blast surveys, and blasting schedules,* and the maintenance of such explosives which has a direct bearing on safety to life and property, and any other rules and regulations necessary to effectuate the provisions of KRS 351.315 to 351.375 *or which are consistent with the provisions of the federal surface mining control and reclamation act of 1977, and amendments thereto, pertaining to blasting or explosives, or any rule or regulation promulgated thereunder pertaining to blasting or explosives.* No portion of KRS 351.315 to 351.375 shall apply in any manner to the manufacture, transportation, sale, storage, possession, or use of:

(a) Loaded ammunition for use in small arms or other weapons; or
(b) Propellant powders for use in small arms or other weapons; or
(c) Primers for small arms ammunition; or
(d) Any other component part of small arms ammunition; or
(e) Tools, equipment, or devices for the manufacture of small arms ammunition; or
(f) Grades of blackpowder suitable primarily for use in firearms.

(2) To promote compatible, uniform and consistent laws and regulations concerning blasting, all local ordinances, rules and regulations concerning blasting and explosives promulgated by units of local government within the commonwealth shall be reviewed and approved, by the department, prior to implementation. Any not so approved shall be invalid. Any local ordinance, rule, or regulation in force on June 19, 1976, shall become invalid, null, and void 120 days after June 19, 1976, unless it is submitted to the department and is approved as being consistent with the provisions of this section.

(3) In order to carry out the purposes of KRS 351.315 to 351.375, the commissioner or his authorized representative shall have the authority:

(a) To enter without delay and advance notice any place where explosives are in use or stored or where blasting records are kept, during regular working hours and at other reasonable times in order to inspect such places, question any explosive user or seller for the purpose of ascertaining compliance or noncompliance with KRS 351.315 to 351.375.

(b) To administer oaths, take depositions, conduct hearings, take photographs, review any and all blasting records, and secure any other evidence deemed necessary to evaluate any safety hazard in KRS 351.315 to 351.375 or regulations issued pursuant thereto.

(4) If an explosive user or seller refuses such entry, then the commissioner *or his authorized representative* may apply to the Franklin Circuit Court, *or to the circuit court within the county wherein the premises to be entered are located,* for an order to enforce the right of entry.

(5) If, during the course of a lawful inspection, the commissioner or his authorized representative discovers explosives stored or kept in an unlawful manner and such unlawfully stored or kept explosives constitute an imminent and substantial danger to life or property, then the commissioner or his authorized representative may, upon proper affidavit before a magistrate with authority and jurisdiction to issue search warrants, obtain a warrant authorizing seizure of such unlawfully stored or kept explosives and thereby seize and store such explosives in a lawful and safe manner.

(a) No warrant pursuant to this section shall be issued unless the commissioner or his authorized representative has made arrangements with public or private sources for the lawful and safe storage of the explosives to be seized.

(b) No warrant pursuant to this section shall be issued upon an affidavit that does not aver that an arrangement has been made between the commissioner or his authorized representative and public or private sources for the lawful and safe storage of the explosives to be seized.

(c) No warrant pursuant to this section shall be issued upon an affidavit that does not specifically state the place in which the explosives are to be stored in terms of city, county, street address, and name of person, company, or agency accepting the explosives for storage.

(d) Any owner or person entitled to lawful possession of explosives seized pursuant to this section shall be entitled to recovery of the seized explosives upon written or verbal notification to the commissioner or his authorized representative stating his capability to lawfully and safely store the seized explosives, and upon an inspection by the commissioner or his representative of his storage facilities and methods that reveals his capability to lawfully and safely store the explosives.

(e) The commissioner or his authorized representative shall make the inspection within five (5) days of receipt of said notification.

(f) If the commissioner or his authorized representative receive no communication from the owner or person entitled to lawful possession of the seized explosives within thirty (30) days after the seizure of such explosives, then the commissioner or his authorized representative may dispose of the seized explosives in a safe and lawful manner.

SECTION 3. A NEW SECTION OF KRS CHAPTER 351 IS CREATED TO READ AS FOLLOWS:

The department shall have the authority to enter into agreements with the department for natural resources and environmental protection for the purpose of the administration of state laws and regulations pertaining to the use of explosives in surface mining activities.

Calendar

SB 320, SB 263, HR 128, SCR 35, SCR 38, SB 251, SB 119, SB 268, SB 270, SB 110, SB 32, SB 22, SJR 33, SB 16, SB 48, SB 219, HCR 85, HR 121, SB 193, SB 289, SB 317, SB 334, SB 229, SB 290, SB 353, and **SB 346** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Ordered referred to the Committee on Rules.

Recess

Representative B. Richardson moved that the House recess until 12 noon for committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day

Representative B. Richardson moved that **HB 735** be recommitted to the Committee on State Government. Agreed.

Representative B. Richardson moved that **HB 254** be recommitted to the Committee on Public Utilities. Agreed.

Representative B. Richardson moved that **HB 472** be recommitted to the Committee on Judiciary-Statutes. Agreed.

Representative B. Richardson moved that **SB 72** be laid on the Clerk's desk. Agreed.

SB 92, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 92.** Agreed.

Representative B. Richardson moved the adoption of the Committee Amendment No. 3 to **SB 92.** Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 92:**

Amend printed copy of **SB 92,** page 3, line 16, after the word "subsection" by adding the words "and subsection (3)".

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 2 to **SB 92:**

Amend printed copy of **SB 92,** page 3, line 17, by inserting before the word "shall" the words "and subsection (3)".

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 3 to **SB 92:**

Amend printed copy of **SB 92,** page 5, line 24, by deleting ", 5 and 8" and inserting in lieu thereof "and

Agreed.

Representative Adams moved the adoption of the following Floor Amendment No. 5 to **SB 92:**

Amend printed copy of **SB 92,** page 5, line 26, by adding after line 26, the following paragraph:

"(9) No institution included in the Farm Credit System, as set forth and identified in 12 U.S.C.A., Section 2002 (Pub. Law 92-181, Sec. 1.2, Dec. 10, 1971, 85 Stat. 583) or any subsidiary or affiliate thereof doing business in this State, nor any officer or employee of any institution included in the Farm Credit System, or any subsidiary or affiliate thereof, may directly or indirectly be licensed to sell or solicit any type of insurance, except Credit Life, Accident and Health, and crop hail insurance in an amount appropriate to insure repayment of the loan."

Agreed.

Representative B. Richardson moved that **SB 92,** as amended, be passed.

On the roll call the vote was yeas 68-Adams, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, LeMaster, List, Mann, Marcum, May, Maynard, McBee, Nett, Noe, O'Brien, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 11-W. Allen, Beshear, Brown, Burnette, Davenport, Dawahare, Patrick, Pearman, Petty, Plummer, Trevey.

SB 92, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 92,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 581 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Johnson moved that **HB 581** be passed.

On the roll call the vote was yeas 53-Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Blythe, Bruce, Burch, Clapp, Clarke, Davenport, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Haering, Hancock, Hines, Holbrook, Holloway, Isler, Johnson, Kenton, Kidd, List, Mann, May, Maynard, McBee, Morris, Nett, Petty, Plummer, Rattliff, Richards, B. Richardson, Riner, Romines, Schmidt, Siemens, Stewart, Stone, Tobin, Trevey, Van Horn, Wells, Wilborn, Worthington, Wright, Yates. Nays 24-J. Allen, Boswell, Brinkley, Brown, Burnette, Carpenter, Crupper, Cyrus, DeMarcus, Deskins, Fitzgerald, Gray, Guy, Head, Little, Marcum, McKinney, Noe, Pearman, Priddy, P. Richardson, Robinson, F. Smith, Weinberg.

HB 581 was passed and the title agreed to.

Representative Johnson moved that the vote by which **HB 581** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 134 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of the following Floor Amendment No. 1 to **SB 134:**

Amend printed copy of **SB 134,** page 1, line 1, by insrting after "Section 1." the following language:

"KRS 152.760 is amended to read as follows:

The board of *energy research* may, if any *energy developmental or demonstration* project *undertaken by the Kentucky center for energy research pursuant to KRS 152.750* is deemed economically feasible *by the board,* request the state property and buildings commission to issue revenue bonds *as authorized by KRS Chapters 56 or 58* [pledging proceeds, including the severance tax on coal produced as a result of the project, for debt service] to meet monetary commitments under any contract executed *by the Kentucky center for energy research, with the approval of the board, for the construction or acquisition of such project.*

Section 2.";

and on page 1, line 2, by deleting "2" after "Section" and inserting "3";

and on page 2, line 12, by deleting "3" after "Section" and inserting "4";

and on page 2, by inserting after line 20, the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 152 IS CREATED TO READ AS FOLLOWS:

In the event that the board of energy research has requested the state property and buildings commission to issue revenue bonds as authorized by KRS 152.760, it may be provided in connection with such financing that such bonds shall be secured solely by revenues derived by the Kentucky center for energy research from any project financed wholly or in part from the proceeds of the sale of such bonds, including lease rental payments and the proceeds realized from the sale of the commercially usable product or output of any such developmental or demonstration project.

SECTION 6. A NEW SECTION OF KRS CHAPTER 152 IS CREATED TO READ AS FOLLOWS:

The administrator of the Kentucky center for energy research shall certify to the commissioner of the department of revenue by October 1 of each year the amount of the annual lease rental payments required to be made for any energy research developmental or demonstration project undertaken by the center for energy research. Upon receiving such certification, the commissioner of the department of revenue shall cause to be transferred by appropriate interfund transfer procedures to the Kentucky center for energy research from the available proceeds of the tax levied by KRS Chapter 143, after deducting the amount required to be transferred to the state road fund by KRS 143.090, a sum equal to said annual lease rental payments, but not more than three million dollars ($3,000,000) in any one year".

On the roll call the vote was yeas 54-J. Allen, Bendl, Bennett, Benson, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Head, Hines, Holbrook, Isler, Kenton, Kidd, LeMaster, Little, Mann, May, McBee, McKinney, McNutt, Morris, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Robinson, Romines, Sale, Stewart, Stone, Wells, Yates. Nays 31-Adams, W. Allen, Arnold, Beshear, Blythe, Boatwright, Clarke, Crupper, Haering, Holloway, Hurst, Johnson, Lindsay, List, Marcum, Maynard, Nett, Overstreet, Patrick, Pearman, Rattliff, P. Richardson, Riner, Schmidt, Siemens, F. Smith, Tobin, Trevey, Van Horn, Wilborn, Wright.

Floor Amendment No. 1 to **SB 134** was adopted.

Representative B. Richardson moved that **SB 134,** as amended, be passed.

On the roll call the vote was yeas 49-Adams, J. Allen, Bendl, Bennett, Benson, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Head, Hines, Holbrook, Isler, Jones, Kenton, Kidd, LeMaster, Little, Mann, May, McBee, Morris, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Robinson, Romines, Sale, Stewart, Stone, Worthington, Yates. Nays 36-W. Allen, Arnold, Beshear, Blythe, Boatwright, Burnette, Clarke, Crupper, Davenport, Haering, Hancock, Holloway, Hurst, Johnson, Kleier, Lindsay, List, Marcum, Maynard, McNutt, Nett, Overstreet, Patrick, Pearman, Plummer, Rattliff, P. Richardson, Riner, Schmidt, Siemens, F. Smith, Thomas, Trevey, Van Horn, Wilborn, Wright.

SB 134, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 134,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 155 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved the adoption of the following Floor Amendment No. 1 to **SB 155:**

Amend printed copy of **SB 155,** page 16, line 1, by adding after line 1 the following:

"Section 9. KRS 164.020 is amended to read as follows:

The council on [public] higher education in Kentucky shall:

(1) Engage in analyses and research to determine the overall needs of higher education in the Commonwealth.

(2) Develop and transmit to the governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state colleges and universities, the community colleges, and the University of Kentucky as provided by statute. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in such federal legislation; Provided, however, That when such federal legislation requires representation on any such "single state agency" by private or nonstate institutions of higher education in the state, the commission on higher education, or its successor agency, shall be considered

the "single state agency" as that term may be used in such federal legislation.

(3) Determine the amount of entrance and/or registration fees and approve the qualifications for admission to the public institutions of higher education. In determining the entrance and/or registration fees for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and such other factors as the council may in its sole discretion deem pertinent. *In approving the qualifications for admission to the professional programs in law, medicine, and dentistry in the public institutions of higher education the council shall establish procedures or regulations to provide for equitable distributing among all regions of the Commonwealth. The council shall utilize the most current official population data and shall as nearly as possible insure a distribution of enrollment in these programs that approximates the rural and urban populations of the state as a whole. The council shall report these data annually as a separate section in its official enrollment report. For purposes of this subsection "urban" shall include any county containing a city of the first or second class or urban county government; "rural" shall include all other counties.*

(4) Consider the requirements and review the budget requests, which shall be prepared in the manner and submitted by the institutions to the council by dates prescribed by the council, of the institutions of public higher education as to their appropriate level of support considering the functions of the institutions and their respective needs. The individual institutions' budget requests, including tuition and registration fee schedules for all categories of students, along with council recommendations which shall be submitted to the governor through the executive department for finance and administration not later than November 15 of each odd numbered year.

(5) Review and approve all capital construction projects the cost of which exceeds one hundred thousand dollars ($100,000) approved by the governing boards of the state-supported institutions of higher education prior to the institutions' submission of such projects to the executive department for finance and administration and/or state property and buildings commission.

(6) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties.

(7) Publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education.

(8) Approve all graduate degree programs including all schools and degree programs for which professional, regional and/or national accreditation of the school or program is available and/or licensing or certification of the graduate are required. Review proposals and make recommendations to the governor regarding the establishment of new state-supported community colleges and new four-year colleges. Provided, nothing in KRS 164.010, 164.020, 164.125, and 164.290 to 164.295 shall be construed to grant the council on public higher education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

(9) Prescribe the curricula for teacher education.

(10) Elect a chairman annually from the voting membership and appoint an executive director and such staff as may be needed and fix their compensation without limitation of the provisions of KRS chapter 18 and KRS 64.640 subject to the approval of the commissioner of personnel and the commissioner of the executive department for finance and administration.

(11) Constitute the representative agency of the Commonwealth in all matters of higher education of a general and statewide nature which are not otherwise delegated to one or more institutions of higher learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment."

Floor Amendment No. 1 to **SB 155** was rejected.

Representative B. Richardson moved that **SB 155** be passed.

On the roll call the vote was yeas 81-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Robin, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 6-W. Allen, Mann, Patrick, Pearman, Thomas, Trevey.

SB 155 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 155** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 191 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Craddock moved that **SB 191** be passed.

On the roll call the vote was yeas 90-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 0.

SB 191 was passed and the title agreed to.

Representative Craddock moved that the vote by which **SB 191** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 214 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Craddock moved that **SB 214** be passed.

On the roll call the vote was yeas 91-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

SB 214 was passed and the title agreed to.

Representative Craddock moved that the vote by which **SB 214** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 162 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 162.** Agreed.

Representative B. Richardson moved that **SB 162,** as amended, be passed.

On the roll call the vote was yeas 85-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Wilborn, Williams, Worthington, Wright, Yates. Nays 2-W. Allen, Patrick.

SB 162, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 162,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 175 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Haering, Hancock, Hines, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, Stone, Tobin, Trevey, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 17-W. Allen, Bruce, Dawahare, Fitzgerald, Guenthner, Head, Imes, Layman, List, Little, Overstreet, Patrick, Pearman, Plummer, Robinson, Stewart, White.

SB 175 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 175** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 256 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **SB 256** be passed.

On the roll call the vote was yeas 78-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Head, Hines, Holloway, Isler, Johnson, Kenton, Kidd, Kleier, Layman, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 12-W. Allen, Deskins, Fitzgerald, Guenthner, Haering, Hancock, Holbrook, Imes, Lindsay, Patrick, Pearman, Schmidt.

SB 256 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 256** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Stone moved that **SB 261** be laid on the Clerk's desk. Agreed.

SB 291 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **SB 291** be passed.

On the roll call the vote was yeas 84-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 2-Guenthner, Haering.

SB 291 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 291** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 222, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Imes moved the adoption of the Committee Amendment No. 1 to **SB 222.** Agreed.

Representative Clarke moved the adoption of the following Floor Amendment No. 2 to **SB 222:**

Amend printed copy of **SB 222,** page 11, after line 4, by adding the following:

"Section 7. KRS 322.100 is amended to read as follows:
The license fee for engineers or land surveyors shall not exceed *seventy-five* [fifty] dollars *($75).* Of this amount, a sum not exceeding *fifty* [forty] dollars *($40)* shall accompany the application, the remainder to be paid at the time or times determined by the board. If the board refuses to issue a license to any applicant the initial fee deposited shall be retained as an application fee. [The annual renewal fee shall not exceed ten dollars.]

Section 8. KRS 322.120 is amended to read as follows:
(1) The board may, upon application and payment of a fee not exceeding *seventy-five* [thirty-five] dollars *($75),* issue a license to any person who holds a certificate of qualification or registration issued to him by proper authority of the National Council of Engineering Examiners, the National Engineering Certification Committee or any state of the United States or any country, if the requirements under which the certificate of qualification or registration was issued do not conflict with this chapter and are of a standard not lower than those provided in KRS 322.040. [The annual renewal fee shall not exceed ten dollars.]
(2) The board may make all regulations governing the matter of reciprocity with other states and countries.

Section 9. KRS 322.160 is amended to read as follows:
(1) The secretary-treasurer of the board shall notify every licensee of the date of the expiration of his license and the amount of the fee required for its renewal for one (1) year. Such notice shall be mailed at least one (1) month in advance of the expiration date. Renewals may be effected at any time during June by the payment of a fee not exceeding *twenty* [ten] dollars *($20)* [($10.00)]. The failure of any licensee to renew his license annually in June shall not deprive him of the right of renewal, but the fee to be paid for the renewal of a license after June shall be increased ten per cent (10%) for each month or fraction of a month that payment of renewal is delayed. But the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. Any person who fails to renew his license within one (1) year after expiration shall furnish the board with satisfactory evidence that he is of good character and reputation and has continued to uphold the ethics of the profession.
(2) All persons who are required to pay renewal fees to the board [as licensed engineers] shall not be required to pay such fees during the time such persons are actively serving in the armed forces of the United States. Any person who has previously paid any renewal fee covering a period during which he was actively serving in the armed forces of the United States shall, upon filing with the board a copy of his discharge, be granted a renewal license without the payment of any fee. The free renewal shall be for as many license years as were served by the licensee in the armed forces and which were covered in whole or in part by the previous payment of a renewal fee.

Section 10. KRS 322.420 is amended to read as follows:
(1) All applications for licensing and registration as a land surveyor shall be made upon forms to be provided by the board and shall be signed and sworn to by the applicant. In addition to such other information as the board may require, all applications shall contain a statement of the applicant's educational attainments and record of experience. References shall be furnished therein to not less than five persons possessing direct personal knowledge of the experience and work done by the applicant, at least three of whom shall be registered land surveyors. Applications shall be filed with the secretary to the board and shall be accompanied by an application fee, to be fixed by the board, in an amount not to exceed *$75* [$50]. In the event that the board shall, for good cause, deny the application, the fee accompanying the same shall be retained by the board to cover the cost of investigating and processing the same.

(2) [Licenses for land surveyors shall expire on the last day of June of each year. All certificates shall be renewed upon the payment to the board, not to exceed the sum of $10. Any person previously licensed who shall fail to obtain a renewal of his license on or prior to July 1st shall be automatically suspended from the further practice of land surveying. Any licensed land surveyor whose license has expired or who has been suspended from the practice by action of the board may be reinstated upon such conditions as the board may by regulation prescribe, including the payment of such additional fees as may be provided in such regulations.

(3)] All fees paid to and collected by the board under the provisions of this section shall be deposited in a depository designated by the board and disbursed only at the direction of the board. The officer or employe of the board who shall be designated to collect and disburse the funds represented by such fees shall be required to execute a bond, with corporate surety, in an amount to be determined by the board and reasonably calculated to cover the aggregate of such fees for a period of one year."

Representative Overstreet moved that Floor Amendment No. 2 to **SB 222** be laid on the Clerk's desk.

Representative Tobin moved that **SB 222** be laid on the table.

On the roll call the vote was yeas 38-W. Allen, Arnold, Bennett, Boatwright, Boswell, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Haering, Holbrook, Holloway, Hurst, Imes, Kidd, Layman, Lindsay, List, Little, Marcum, May, McBee, McKinney, McNutt, Overstreet, Patrick, Pearman, Plummer, Riner, Robinson, Schmidt, R. Smith, Stone, Tobin, Trevey, Worthington. Nays 47-Adams, J. Allen, Bendl, Benson, Beshear, Blandford, Bruce, Burnette, Clapp, Clarke, Craddock, Crupper, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Hancock, Head, Isler, Kenton, LeMaster, Mann, Maynard, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, Stewart, Thomas, Van Horn, White, Wilborn, Williams, Wright, Yates.

The motion that **SB 222** be laid on the table was rejected.

On the roll call the vote was yeas 58-Adams, J. Allen, W. Allen, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Bruce, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Fitzgerald, Foster, Gray, Guy, Haering, Hines, Holbrook, Hurst, Imes, Johnson, Layman, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Riner, Romines, Sale, Schmidt, F. Smith, Stone, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Wright. Nays 20-Burnette, Clapp, Craddock, Crupper, Donnermeyer, Dunn, Guenthner, Hancock, Head, Holloway, Isler, Kenton, LeMaster, McNutt, Richards, B. Richardson, P. Richardson, Thomas, Wells, Yates.

The motion that Floor Amendment No. 2 be laid on the Clerk's desk was adopted.

SB 299, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Imes moved the adoption of the Committee Amendment No. 1 to **SB 299.** Agreed.

Representative Imes moved that **SB 299,** as amended, be passed.

On the roll call the vote was yeas 67-Adams, Bendl, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Petty, Priddy, Rattliff, Richards, B. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, White, Wilborn, Worthington. Nays 9-W. Allen, DeFalaise, Haering, Layman, McNutt, Pearman, Plummer, P. Richardson, Tobin.

SB 299, as amended, was passed and the title agreed to.

Representative Imes moved that the vote by which **SB 299,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 11, HB 88, HB 210, HB 263, HB 285, HB 350, HB 498, HB 576, SB 13, SB 28, SB 97, SB 207, SB 242, SB 249, SB 254, SB 285, SR 27** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Governor.

HB 11, HB 88, HB 210, HB 263, HB 285, HB 350, HB 498, and **HB 576** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

SB 307 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68-Adams, W. Allen, Arnold, Bendl, Beshear, Boatwright, Boswell, Brinkley, Burnette, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Haering, Hancock, Hines, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Lindsay, List, Little, Mann, Marcum, May, Maynard, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, Wilborn, Wright, Yates. Nays 5-Blandford, Guenthner, Holbrook, Holloway, Pearman.

SB 307 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 307** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 223 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Marcum moved the adoption of the following Floor Amendment No. 1 to **SB 223:**

Amend printed copy of **SB 223,** by adding the following new sections:

"Section 3. KRS 199.011 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Secretary" means the secretary for human resources.

(2) "Department" means the department for human resources.

(3) "Bureau" means the bureau for social services.

(4) "Child" means any person who has not reached his eighteenth birthday.

(5) "Dependent child" means any child who is under improper care, control, or guardianship that is not due to the negligence of the parent or guardian, provided that the child is not an abused or neglected child.

(6) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian or any other person: inflicts or allows to be inflicted upon the child, physical or mental injury by other than accidental means; creates or allows to be created a risk of physical or mental injury to the child by other than accidental means; commits or allows to be committed an act of sexual abuse upon the child; willfully abandons or exploits such child; does not provide the child with adequate care and supervision; food, clothing and shelter; education; or medical care necessary for the child's well-being; Provided, however, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This exception, however, shall not preclude a court from ordering that medical services be

provided to the child, where his health requires it.

(7) "Child-caring facility" means any institution or group home other than a state facility, or one certified by an appropriate agency as operated primarily for educational or medical purposes providing residential care on a twenty-four (24) hour basis to children, not related by blood, adoption or marriage to the person maintaining the facility.

(8) "Child-placing agency" means any agency other than a state agency which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption.

(9) "Child welfare worker" means an employe of the department designated as such by the commissioner or social worker employed by a county or city who has been approved by the department to handle, under its supervision, services to children.

(10) "Boarding home or foster parent" as used in subsection (4) of KRS 199.600 means persons who board children held in custody by the department.

(11) "Foster family home" means a private home in which children are placed for foster family care under supervision of the department or of a licensed child-placing agency.

(12) "Group home" means a homelike facility for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources.

(13) "Institution" means a child-caring facility providing care or maintenance for nine (9) or more children.

(14) "Family rehabilitation home" means a child-caring facility for appropriate families and comprising not more than twelve (12) children and two (2) staff persons.

Section 4. KRS 199.640 is amended to read as follows:

(1) No person, association or organization shall conduct, operate or maintain any child-caring facility or child-placing agency without having a license to do so issued by the department.

(2) Licenses issued to the agency or facility shall be valid until revoked by the department provided that each licensed facility or agency shall be visited and inspected by a person authorized by the department at least once each year and a complete report of such visit or inspection be filed with the department. Each license issued shall specify the type of care or service the licensee is authorized to perform. The commissioner may adopt regulations establishing standards of care and service for child-caring facilities and child-placing agencies relating to the sanitary and hygienic conditions, the accommodations available for each child, the diet provided, the safety of the child from fire and other accidents and hazards, and such other factors as may be necessary to promote the welfare of children cared for or placed by such agencies and facilities,

(3) Each agency or facility licensed under this section shall keep a record containing:

(a) The names, ages, present and former residences of all children received;

(b) The names, residence and occupation so far as is known, of the parents;

(c) The dates of the reception, placing out for adoption or foster care, together with the names, occupation and residence of the persons with whom the child is placed;

(d) The date and cause of termination of its custody of each child; and

(e) A brief history of each child until he shall have reached the age of eighteen years or shall have been adopted or discharged according to the law.

(4) Parents are received or boarded in a family rehabilitation home pursuant to a written agreement between home and parent.

(5) All records regarding children or facts learned about children and their parents and relatives by any licensed agency or facility shall be deemed confidential in the same manner and subject to the same provisions as similar records of the department. The information thus obtained shall not be published or be open for public inspection except to authorized employes of the department or of such licensed agency or facility in performance of their duties."

Agreed.

Representative B. Richardson moved that **SB 223,** as amended, be laid on the Clerk's desk. Agreed.

SB 328 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McNutt moved that **SB 328** be passed.

Representative Brinkley moved the adoption of the following Floor Amendment No. 1 to **SB 328:**

Amend printed copy of **SB 328,** page 1, after line 11, by adding the following:

"Section 2. KRS 527.020 is amended to read as follows:

(1) A person is guilty of carrying a concealed weapon when he carries concealed a firearm or other deadly weapon on or about his person.

(2) Peace officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.

(3) Policemen directly employed by state, county, city or urban county governments may carry concealed deadly weapons on or about their persons at all times within the Commonwealth of Kentucky, when expressly authorized to do so by the government employing the officer.

(4) A deadly weapon shall not be deemed concealed on or about the person if it is located in a glove compartment, console compartment, or similar receptacle regularly installed in a motor vehicle by its manufacturer regardless of whether said compartment is locked, unlocked, or does not have a locking mechanism.

(5) Carrying a concealed weapon is a Class A misdemeanor unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used or displayed in which case it is a Class D felony."

Agreed.

Representative Brinkley moved that **SB 328,** as amended, be passed.

On the roll call the vote was yeas 86-J. Allen, W. Allen, Arnold, Bendl, Bennett, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright. Nays 0.

SB 328 was passed.

Representative Brinkley moved the adoption of the following Floor Title Amendment to **SB 328:**

Amend printed copy of **SB 328,** page 1, by changing the title to read as follows: "AN ACT relating to crimes and punishments."

The Floor Title Amendment to **SB 328** was adopted.

Representative Brinkley moved that the vote by which **SB 328,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 348, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 348.** Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 3 to **SB 348:**

Amend printed copy of **SB 348,** page 17, after line 1 by adding the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of any other law notwithstanding, the governor shall include in the biennial budget report and in the draft appropriation act or acts submitted to each regular session of the General Assembly pursuant to KRS 45.030 and 45.040, for the biennium period beginning July 1, 1980, and for each biennium thereafter, recommendations for appropriations from the general fund to be made by the General Assembly to the coal severance economic aid fund.

(2) The amount to be recommended for the appropriation to the coal severance economic aid fund shall be three and seven-tenths percent (3.7%) of the severance tax estimate for each fiscal year of the biennium."

Agreed.

Representative Weinberg moved the adoption of the following Floor Amendment No. 4 to **SB 348:**

Amend printed copy of **SB 348,** page 11, line 9, by inserting after the word "disapproval" the following: "The decision to either approve or disapprove any project proposal shall be made no later than forty-five (45) days following official submittal by the board, and the board shall be accordingly notified at that time, with written reasons for disapproval."

Agreed.

Representative W. Allen moved the adoption of the following Floor Amendment No. 5 to **SB 348:**

Amend printed copy of **SB 348,** page 17, line 1, by adding after line 1 the following:

"Section 5. KRS 42.310 is amended to read as follows:

There is hereby created an advisory committee for the coal producing county development fund. The advisory committee shall be composed of *nine (9)* [seven (7)] members, all of whom shall be legislators whose legislative district embraces in whole or in part a coal producing county. *Six (6)* [Five (5)] members , *two (2) of whom shall be members of the minority party,* shall be selected from the house of representatives by the house of representatives acting as a body. *Three (3)* [Two (2)] members, *one of whom shall be a member of the minority party,* shall be selected from the senate by the senate acting as a body. The advisory committee shall advise the commissioner of the executive department for finance and administration on all aspects of the commissioner's authority under KRS 42.300. In particular, the advisory committee shall advise the commissioner with respect to the promulgation of regulations and the establishment of guidelines issued under KRS 42.300 (4)."

On the roll call the vote was yeas 87-Adams, J. Allen, W. Allen, Arnold, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 0.

Floor Amendment No. 5 to **SB 348** was adopted.

Representative B. Richardson moved that **SB 348,** as amended, be passed.

On the roll call the vote was yeas 84-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Yates. Nays 0.

SB 348, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 348,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 308 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **SB 308** be passed.

On the roll call the vote was yeas 86-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

SB 308 was passed and the title agreed to.

Representative Richards moved that the vote by which **SB 308** was passed be reconsidered and said motion be postponed indefiniitely. Agreed.

SB 339 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **SB 339** be passed.

On the roll call the vote was yeas 82-Adams, J. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burnette, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Marnard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Weinberg, Wells, White, Wilborn, Wright, Yates. Nays 2-Deskins, Van Horn.

SB 339 was passed and the title agreed to.

Representative Richards moved that the vote by which **SB 339** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 350 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved that **SB 350** be passed.

On the roll call the vote was yeas 80-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Clarke, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Layman, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, Wells, Wilborn, Wright, Yates. Nays 2-Deskins, LeMaster.

SB 350 was passed and the title agreed to.

Representative Fitzgerald moved that the vote by which **SB 350** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SJR 19 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wells moved that **SJR 19** be passed.

On the roll call the vote was yeas 76-Adams, J. Allen, W. Allen, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, Maynard, McBee, McKinney, McNutt, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, Wilborn, Wright. Nays 1-Haering.

SJR 19 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SJR 19** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SCR 34 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Craddock moved that **SCR 34** be passed.

On the roll call the vote was yeas 45-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Bruce, Burch, Cyrus, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Guy, Hancock, Hines, Holbrook, Isler, Jones, Kenton, Kidd, LeMaster, List, Little, Marcum, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Sale, Stewart, Tobin, Weinberg, Wilborn. Nays 27-W. Allen, Arnold, Boatwright, Brinkley, Brown, Davenport, Dawahare, Deskins, Fitzgerald, Gray,Haering, Head, Holloway, Johnson, Layman, Lindsay, Overstreet, Patrick, Pearman, Plummer, Rattliff, Schmidt, R. Smith, Stone, Thomas, Van Horn, Wright.

SCR 34 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SCR 34** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 113 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBee moved the adoption of the following Floor Amendment No. 2 to **SB 113:**

Amend printed copy of **SB 113,** page 1, line 9, by deleting "three (3) [" and by deleting the "]".

Agreed.

Representative B. Richardson moved that **SB 113,** as amended, be passed.

On the roll call the vote was yeas 67-J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Boatwright, Boswell, Brinkley, Burch, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dawahare, Deskins, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Head, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Little, Mann, May, Maynard, McNutt, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Weinberg, Wells, White, Wilborn, Worthington, Wright. Nays 9-Beshear, DeFalaise, Dietz, Fitzgerald, Holloway, Lindsay, Marcum, McBee, Van Horn.

SB 113, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 113,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 257 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Overstreet moved that **SB 257** be laid on the table.

On the roll call the vote was yeas 45-W. Allen, Bendl, Beshear, Boatwright, Brinkley, Brown, Burch, Burnette, Crupper, Davenport, Dawahare, Deskins, Dietz, Fitzgerald, Gray, Guenthner, Haering, Head, Hines, Holloway, Isler, Johnson, Kidd, Kleier, Layman, Little, Marcum, McKinney, McNutt, Nett, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Sale, Schmidt, R. Smith, Stone, Trevey, Van Horn, Weinberg, Wilborn, Wright. Nays 40-Adams, J. Allen, Arnold, Bennett, Blandford, Blythe, Boswell, Carpenter, Clarke, Craddock, Cyrus, DeFalaise, Donnermeyer, Dunn, Foster, Guy, Hancock, Jones, Kenton, LeMaster, Lindsay, Mann, May, McBee, Morris, Noe, Petty, Priddy, Richards, B. Richardson, P. Richardson, Siemens, F. Smith, Stewart, Thomas, Tobin, Wells, White, Worthington, Yates.

SB 257 was laid on the table.

SB 284, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved the adoption of the Committee Amendment No. 1 to **SB 284.** Agreed.

Representative Lindsay moved that **SB 284,** as amended, be passed.

On the roll call the vote was yeas 60-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Boswell, Brinkley, Brown, Burch, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Dunn, Foster, Gray, Guenthner, Guy, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, LeMaster, Lindsay, Little, Mann, May, McBee, McKinney, McNutt, Morris, Noe, O'Brien, Overstreet, Priddy, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Tobin, Van Horn, Weinberg, White, Wilborn, Yates. Nays 18-W. Allen, Blandford, Blythe, Burnette, Donnermeyer, Haering, Hancock, Kleier, Layman, List, Marcum, Maynard, Patrick, Pearman, Plummer, Riner, Thomas, Wright.

SB 284, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 284,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 293 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **SB 293** be passed.

On the roll call the vote was yeas 79-Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 1-Burnette.

SB 293 was passed and the title agreed to.

Representative Lindsay moved that the vote by which **SB 293** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 335 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 4-Clarke, Pearman, Riner, Schmidt.

SB 335 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 335** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the rules be suspended for the purpose of waiving the posting requirement in regard to **SB 192, SB 226, SB 306,** and **HR 127.** Agreed.

Recess

Representative B. Richardson moved that the House recess until 3:30 p.m. for Committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 70** had been examined and found correctly enrolled. **SB 70** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative B. Richardson moved that the rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Rules reported **HB 679, HCR 110, HCR 85, HR 121, SB 16, SB 48, SB 119, SB 193, SB 251, SB 263, SB 290, SB 334, SJR 33, SCR 35, SCR 38, SB 22, SB 32, SB 219, SB 268,** and **HR 49** have been posted for passage in Orders of the Day, March 15, 1978.

The Committee on Rules reported the following bills have been recommitted:

HB 691, HB 729, SB 186, HB 120, HB 705, SCR 55 to Appropriations and Revenue.

SB 216, HB 196, HB 467, HB 486, HB 716, HB 721, HB 726, SB 289, HB 728, HB 759, HJR 60, HCR 90, HCR 80, HB 315, HB 387, HB 701, SB 226, HB 703 and **HB 764** to State Government.

HB 734 to Elections and Constitutional Amendments.

HB 673, HB 394, and **HCR 100** to Judiciary-Statutes.

HB 149 to Counties and Special Districts.

Posting of Bills and Resolutions for Consideration

The Clerk announced **SB 192** has been posted for consideration by the Committee on Cities.

Report of Committees

The Committee on Business Organizations and Professions reported **SB 269, SB 314** with Committee Amendment No. 1 and Committee Title Amendment attached thereto, and **HB 671** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 269, AN ACT relating to funeral directors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 316.170 is amended to read as follows:

The state board of embalmers and funeral directors of the state of Kentucky shall consist of *six (6)* [five (5)] members who shall be residents of the state. *Five (5)* [Four (4)] members shall be licensed embalmers and licensed funeral directors of this state with an established funeral home in Kentucky, with a minimum of ten (10) years' consecutive experience in the practice of embalming and funeral directing in this state immediately preceding their appointment. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.

Section 2. KRS 316.180 is amended to read as follows:

(1) The governor shall make all appointments to the board. *He shall appoint one (1) funeral director member each year from a list of three (3) names submitted by the funeral directors' association of Kentucky. Every fourth year beginning July 1, 1978 he shall appoint one (1) funeral director member from a list of three (3) names submitted by the Kentucky association of morticians, inc., and one (1) citizen member.* [The four (4) funeral director members shall be appointed from a list of names furnished him each year by the members of the Funeral Directors Association of Kentucky in their annual June convention, by vote of the majority of members present. Three (3) names shall be selected each year who meet the requirements of KRS 316.170. The secretary of the state association will send the names selected to the governor for appointment. The governor shall appoint one (1) member of the board each year and every fourth year shall appoint two (2) members, selecting each funeral director member appointed from the list of names submitted by the last session of the Funeral Directors Association of Kentucky in its last June convention.] The term of each member shall be four (4) years.

(2) Vacancies occurring on the board shall be filled by the governor for the unexpired terms.

(3) The governor shall furnish a certificate of appointment to each person appointed to the board.

SB 314, AN ACT relating to cosmetologists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 317A.050 is amended to read as follows:

(1) The cosmetologist board shall issue an apprentice cosmetologist license to any person who:

(a) Is of good moral character and temperate habit, and at least sixteen (16) years of age;

(b) Has at least two (2) years high school education or its equivalent;

(c) Has graduated from a licensed school of cosmetology;

(d) Has passed an examination prescribed by the board to determine fitness to practice as an apprentice beauty specialist; and

(e) Has paid a fee of *ten dollars ($10)* [five dollars ($5)].

(2) The cosmetologist board shall issue a cosmetologist license to any person who:

(a) Has at least two (2) years high school education, or its equivalent;

(b) Has practiced as a licensed cosmetology apprentice for at least six (6) months under the immediate supervision of a licensed cosmetologist;

(c) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice cosmetology; and

(d) Has paid a fee of *fifteen dollars ($15)* [ten dollars ($10)].

(3) The cosmetologist board shall issue a license to act as a manicurist to any person who:

(a) Is of good moral character and temperate habit;

(b) Has completed satisfactorily a manicuring course of study of three hundred (300) hours in a licensed school of cosmetology;

(c) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice as a manicurist;

(d) Has two (2) years of high school education or its equivalent; and

(e) Has paid a fee of *twelve dollars ($12)* [eight dollars ($8)].

(4) The cosmetologist board shall issue a license to operate a beauty salon to any licensed cosmetologist upon *receipt of the completed application provided by the board, accompanied by a fee of twenty dollars ($20).* [application of such cosmetologist accompanied by a fee of ten dollars ($10), provided that] The board may refuse to issue such a license upon the failure to comply with the provisions of this chapter or the rules and regulations of the board adopted pursuant thereto; however, an owner who is not a licensed cosmetologist shall have a licensed cosmetologist as manager of said salon *at all times. In the event of a change of owner or manager or location, a new license must be purchased.*

(5) The cosmetologist board shall issue an apprentice license to teach cosmetology to any person who:

(a) Has paid a fee of *twenty dollars ($20)* [fifteen dollars ($15)];

(b) Has a high school education and *one (1) year* [two years] experience as a licensed cosmetologist;

(c) Has submitted a joint application signed also by the owners of the school in which the applicant will study. The course of instruction shall be for a period of one thousand (1,000) hours and not less than six (6) months at one (1) *school* [college] providing this instruction. The school owner shall certify to the board *the completion of one thousand (1,000) hours* [when and if the apprentice teacher is qualified to take the board examination]. No more than one (1) apprentice *instructor* [teacher] shall be *enrolled* [studying] in any one cosmetology school at any given time.

(6) The cosmetologist board shall issue a license to teach cosmetology to any person who:

(a) Is of good moral character and temperate habit;

(b) Has a high school education;

(c) Has held an apprentice teaching license for at least six (6) months;

(d) Has satisfactorily passed the examination prescribed by the board; and

(e) Has paid a fee of *twenty-five dollars ($25)* [fifteen dollars ($15)].

(7) The cosmetologist board may issue a license to operate a school of cosmetology to any person, firm or corporation who or which:

(a) Has complied with the rules and regulations of the board including, but not limited thereto, the necessary equipment, supplies and facilities;

(b) Has furnished evidence or proof deemed necessary by the board in its sound discretion that the granting of said license to operate a school of cosmetology is needed and that the person, firm or corporation is otherwise qualified to operate a school of cosmetology, and that is the purpose of the applicant to establish a bona fide school for the education and training of competent cosmetologists and that said applicant will employ a sufficient number of licensed *instructors* [teachers] of cosmetology to conduct such school;

(c) That the licensee shall have as manager at all times a person licensed as an instructor who will be charged with the responsibility of having a sufficient number of licensed *instructors* [teachers] of cosmetology to conduct such school. The designated manager as defined herein shall be approved by the board before a license may be issued;

(d) Complies with the rules and regulations of the board including, but not limited thereto, regarding courses, curriculum and hours of instruction;

(e) Otherwise complies with this chapter;

(f) Has paid a fee of one thousand dollars ($1,000);

(g) Has been a resident of Kentucky for five (5) years if the applicant is an individual. If not, the firm or corporation shall be a Kentucky corporation or is licensed or qualified to do business in Kentucky and shall be in existence for a period of at least five (5) years before said firm or corporation may be eligible to file an application;

(h) Any student enrolling in said school shall pay a fee of five dollars ($5) to the board before enrollment shall be allowed; and

(i) The transfer of any license to operate a school of cosmetology shall require the approval of the board and a new application filed with the board and a fee of one thousand dollars ($1,000) paid.

(8) *Licenses issued by this board shall be renewed beginning July 1 through July 31 of each year. Any license shall be renewed by the board upon receipt, provided the application is completed in full and accompanied by the appropriate renewal fee required by subsection (9) and the applicant for renewal is in compliance with the provisions of this chapter and the rules and regulations thereto. Any license received or postmarked later than July 31 shall be considered expired and the appropriate restoration fee required by subsection (11) shall be applicable for restoration of license* [The board shall issue a license to conduct a postgraduate cosmetologist and advanced hair stylist school to any person complying with reasonable rules and regulations with regard thereto and who pays a license fee of two hundred dollars ($200)];

(9) [Licenses issued pursuant to this section shall expire on the first day of July next following the date of their issue but the board shall renew any license so expiring at no increased renewal fee if the required annual renewal license fee is paid within thirty-one (31) days, after the expiration of such license, provided that the applicant for a renewal is otherwise in compliance with this chapter and the rules and regulations of the board adopted pursuant thereto. Any license shall automatically be renewed by the board upon receipt of the required annual license fee prior to the expiration date of such license, provided the applicant for a renewal is in compliance with the provisions of this chapter and the rules and regulations of the board adopted pursuant thereto;

(10)] The annual renewal license fee for each type of license renewal shall be as follows:

(a) Apprentice cosmetologist — *$10.00* [5.00];

(b) Cosmetologist — *$10.00* [8.00];

(c) Manicurist — *$10.00* [5.00];

(d) Beauty salon — *$15.00* [6.00];

(e) Apprentice *instructor* [teachers] of cosmetology — *$15.00* [10.00];

(f) *Instructor* [Teacher] of cosmetology — $15.00; *and*

(g) Cosmetology school — *$100.00* [50.00; and

(h) Postgraduate school — $50.00].

(10) [(11)] Applications for examinations required by this section shall be accompanied by an *examination* [examining] fee as follows:

(a) Apprentice cosmetologist — *$20.00* [10.00];

(b) Cosmetologist — *$30.00* [20.00];

(c) Manicurists — *$20.00* [10.00];

(d) *Instructor of* cosmetology [teacher] — $35.00;

(e) *Cosmetologist out-of-state — $75.00* [Nonresident cosmetologist with five (5) years experience — $50.00];

(f) *Instructor out-of-state — $150.00* [Nonresident instructors — $100]; and

(g) Where examination is not required by the board, the fee shall be *$50.00* [35.00].

(11) [(12) Except as provided in subsection (9) of this section] The fee for the *restoration* [renewal] of an expired license where the period of expiration does not exceed five (5) years *from date of expiration*, shall be as follows:

(a) Apprentice cosmetologist — $50.00;

(b) Cosmetologist — $50.00;

(c) Manicurist — *$50.00* [25.00];

(d) Beauty salon — *$50.00* [10.00];

(e) Cosmetology school — *$500.00* [100];

(f) Instructor — *$75.00* [50.00];

(g) Apprentice instructor — $50.00; and

(h) Postgraduate school — $75.00.

(12) [(13)] The requirements for *obtaining* a new license for any person whose license has expired for a period exceeding five (5) years shall be as follows:

(a) Cosmetologists shall retake and pass examination in *practical only* [both practical and science];

(b) Apprentice cosmetologist shall complete one hundred and fifty (150) additional hours training in a licensed school of cosmetology and pass prescribed examination;

(c) *Instructor* [Teacher] of cosmetology shall retake and pass both the practical and science examination [as prescribed by the board]; [and]

(d) *Manicurists shall retake and pass examination, practical only; and* [A restoration fee of fifty dollars ($50) shall be required.]

(e) The appropriate restoration fee as set forth in subsection (11) shall be required.

(13) [(14)] Guest artists or demonstrators appearing and demonstrating before persons other than licensed hairdressers and cosmetologists shall pay a fee of twenty-five dollars ($25) for a permit for ten (10) days; but this fee is not required to be paid by guest artists performing before a nonprofit recognized professional hairdressers and cosmetologists group.

(14) The fee for certifications shall be five dollars ($5).

(15) The fee for duplicate license shall be five dollars ($5).

(16) Instructors of cosmetology shall present proof of continuing education for renewal of instructors license, according to the regulations prescribed by the board.

Section 2. KRS 317A.090 is amended to read as follows:

No license shall be renewed or issued by the cosmetologist board to any cosmetology school unless such school provides:

(1) As a prerequisite of graduation a prescribed course of instruction of not less than eighteen hundred (1,800) hours in the case of a cosmetology school to be given within an uninterrupted period with not more than eight (8) hours nor less than four (4) hours of instruction a day, exclusive of Sundays; except that in the state area vocational schools the eighteen hundred (1,800) hours of instruction may be offered according to the schedule for other vocational classes in the school;

(2) Courses of instruction in histology of the hair, skin, nails, muscles and nerves of the face and neck; elementary chemistry with emphasis on sterilization and antiseptics, diseases of the skin, hair and glands, massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair and such other courses as may be prescribed by regulation of the board;

(3) Such facilities, equipment, materials, and qualified *instructors* [teachers] and apprentice *instructors* [teachers] as may be required by rules and regulations of the board adopted pursuant to this chapter, but in no event shall any *cosmetology* school [have fewer than one (1) licensed teacher per fifteen (15) students, or more than two (2) students per chair, nor shall any cosmetology school] have fewer than one (1) licensed *instructor* [teacher] per twenty (20) students;

(4) The fee for the initial license of a beauty school shall be one thousand dollars ($1,000);

(5) No cosmetology school after being licensed for the first time, shall serve the public until three hundred (300) hours of instruction has been taught;

(6) In compliance with KRS 317.520 the board may revoke or suspend any license issued by it if, in the judgment of the board, such school is not following the requirements as set out in this chapter or such school does not comply with the rules and regulations promulgated by the board in order to regulate the conduct of the school and in order to supervise the proper education of the students.

The Committee Amendment No. 1 to **SB 314** is as follows:

Amend printed copy of **SB 314,** page 11, line 15, by adding the following:

"SECTION 1. A NEW CHAPTER OF KRS 335A IS CREATED TO READ AS FOLLOWS:

(1) The following statutes are repealed as of July 1, 1980:
(a) KRS Chapter 316 relating to Embalmers and Funeral Directors;
(b) KRS Chapter 317 relating to Barbers;
(c) KRS Chapter 317A relating to Hairdressers and Cosmetologists;
(d) KRS Chapter 318 relating to Plumbers and Plumbing;
(e) KRS Chapter 324 relating to Real Estate Brokers and Salesmen;
(f) KRS Chapter 328 relating to Watchmakers;
(g) KRS Chapter 329 relating to Detection of Deception Examiners; and
(h) KRS Chapter 330 relating to Auctioneers.

(2) The following statutes are repealed effective July 1, 1982:
(a) KRS Chapter 319 relating to Psychologists;

(b) KRS Chapter 322 relating to Professional Engineers and Land Surveyors;
(c) KRS Chapter 323 relating to Architects;
(d) KRS Chapter 323A relating to Landscape Architects;
(e) KRS Chapter 325 relating to Public Accountants;
(f) KRS Chapter 327 relating to Physical Therapists;
(g) KRS Chapter 334 relating to Hearing Aid Dealers and Fitters;
(h) KRS Chapter 334A relating to Speech Pathologists and Audiologists; and
(i) KRS Chapter 335 relating to Social Workers.

(3) The following statutes are repealed effective July 1, 1984:
(a) KRS Chapter 311 relating to Physicians, Osteopaths and Podiatrists;
(b) KRS Chapter 312 relating to Chiropractors;
(c) KRS Chapter 313 relating to Dentists and Dental Hygienists;
(d) KRS Chapter 314 relating to Registered Nurses and Practical Nurses;
(e) KRS Chapter 315 relating to Pharmacists;
(f) KRS Chapter 320 relating to Optometrists;
(g) KRS Chapter 321 relating to Veterinarians; and
(h) KRS Chapter 325 relating to Ophthalmic Dispensers.

(4) All agencies created under authority of KRS Chapters enumerated in this section will be terminated effective the same date the respective statutes are repealed. "Agency" is defined as any board, commission or any other regulatory instrumentality of state government created and functioning to license and regulate.

(5) The provisions of this Act shall not terminate any claim or right of a citizen against any such agency or any claim or right of any agency terminated pursuant to this Act which is subject to litigation. Said claims and rights shall be assumed by the Executive Department for Finance and Administration.

(6) All outstanding debts of the terminated agencies shall be assumed by the Executive Department for Finance and Administration and shall be paid from unexpended funds appropriated to the terminated agency. Should this amount not be sufficient to cover all debts, the difference shall be paid from the general fund. Should there be surplus funds after all obligations have been satisfied, the surplus shall revert to the general fund.

(7) Nothing in this Act shall be construed to prohibit the General Assembly from terminating an agency covered by these provisions at a date earlier than that provided herein, nor to prohibit the General Assembly from considering any other legislation relative to such agency.

SECTION 2. A NEW SECTION OF KRS CHAPTER 335A IS CREATED TO READ AS FOLLOWS:

(1) Two (2) years prior to each scheduled statutory repeal and agency termination, the Legislative Research Commission or a duly designated committee thereof, shall conduct a comprehensive review and evaluation of the need for and the performance of the scheduled agencies. During the review and evaluation process, a public hearing shall be held at which the public shall have the opportunity to testify on the need for and the performance of the agency.

(2) The agency shall be evaluated for need and performance. In evaluating need, it must be deomonstrated that the benefits to the public clearly outweigh the burden which regulation imposes and the burden of proof is on the agency. The following criteria shall be considered in evaluating need:

(a) Would the absence of regulation significantly harm or endanger the public health, safety or welfare?

(b) Is there a reasonable relationship between the exercise of the state's police power and the protection of the public health, safety or welfare?

(c) Is there another less restrictive method of regulation available which could adequately protect the public?

(d) Does the regulation have the effect of directly or indirectly increasing the costs of any goods or services involved, and if so, to what degree?

(e) Is the increase in cost more harmful to the public than the harm which could result from the absence of regulation?

(f) Are all facets of the regulatory process designed solely for the purpose of, and have as their primary effect, the protection of the public?

(3) If it is determined that a regulatory function is not needed, the evaluation report shall recommend that the respective agency be allowed to terminate. If, however, it is determined that a regulatory function is needed, the function will be additionally evaluated on its effectiveness and efficiency in executing its regulatory responsibilities. This evaluation shall include but not be limited to the following criteria:

(a) Has the agency permitted qualified applicants to serve the public?

(b) Has the agency supported affirmative action requirements by licensing minorities and women?

(c) Has the agency operated for the benefit of its licensees as opposed to the public interest?

(d) Has the agency sought criticism aimed at improvements from the public and from its licensees?

(e) Has the agency recommended statutory changes that would benefit the public, as opposed to those it regulates?

(f) Has the agency encouraged participation by the public in rule- and decision-making, as opposed to participation by the person its regulates?

(g) Have complaints from the public been handled efficiently?

(4) All agencies being reviewed and evaluated shall cooperate with the Legislative Research Commission and shall supply any and all information required and requested by the Legislative Research Commission to conduct its review.

(5) No agency under review shall expend public funds for the purpose of influencing its evaluation, except for funds expended in the process of generating information and other documentation required and requested by the Legislative Research Commission.

SECTION 3. A NEW SECTION OF KRS CHAPTER 335A IS CREATED TO READ AS FOLLOWS:

(1) The Legislative Research Commission shall have completed its evaluation report on an agency one (1) year prior to its scheduled termination date. The report shall include the findings of the evaluation and recommendations as to the termination, continuation or continuation with modification of the agency. If continuation or continuation with modification is recommended, appropriate legislation shall be included with the report. This legislation shall be prefiled for the next regular session of the General Assembly.

(2) The life of any agency continued or continued with modification shall not exceed six (6) years. Any newly created agency as defined by this Act shall have a life not to exceed six (6) years and shall be reviewed and evaluated as to need and performance as provided in Sections 2 and 3 of this Act. Continuation of the life of an agency, with or without modification, shall not be deemed to give continued effect to any administrative regulation adopted by the agency prior to such continuation. The regulations of each agency that is continued, with or without modification, shall expire on the termination date specified in Section 1 of the Act unless the agency resubmits such regulations for review and filing in accordance with KRS Chapter 13.

(3) A copy of each evaluation report shall be submitted to the Governor and to the Executive Department for Finance and Administration for consideration in preparing the executive budget."

The Committee Title Amendment to **SB 314** is as follows:

Amend printed copy of **SB 314,** title amendment, the title is amended to read as follows: "AN ACT relating to occupations and professions."

HB 671, AN ACT relating to advertising.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS CHAPTER 331A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

As used in this chapter, unless the context otherwise requires:

(1) "Board" means the state board of licensure for advertising agencies and specialists.

(2) "Advertising" means paid, non-personal communication through the media by business firms, nonprofit, organizations and individuals who are identified in a message designed to inform or persuade members of a particular audience.

(3) "Advertising agency" means any firm, partnership or corporation which engages the services of advertising specialists to plan, initiate and measure the communication of advertising;

(4) "Advertising specialist" means those individuals who are engaged in the primary business of performing services relating to marketing, media, production and the creative aspects of advertising or who are employed by advertising agencies to perform these services.

SECTION 2. A NEW SECTION OF KRS CHAPTER 331A IS CREATED TO READ AS FOLLOWS:

Every person engaged in the business of operating an advertising agency and every advertising specialist within the Commonwealth shall be licensed in accordance with the provisions of this chapter. Those persons engaged in the operation of advertising agencies or performing the services of an advertising specialist may continue, but shall become licensed within six (6) months of the effective date of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 331A IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created a board of licensure for advertising agencies. The board shall consist of nine (9) members appointed by the governor who shall serve for a term of four (4) years, except that for initial appointments, three (3) shall be appointed for a term of four (4) years, two (2) for a term of three (3) years, two (2) for a term of two (2) years and two (2) for a term of one (1) year. Members to fill vacancies shall be appointed for the unexpired term. A member may be removed by the governor only for cause.

(2) Board members shall be residents of the Commonwealth. Board membership shall consist of at least three (3) representatives from the advertising business and at least two (2) members at large who are not financially interested in the business regulated.

(3) The board shall elect a chairman at its first meeting who shall serve for the duration of his term or until termination of membership, at which time a successor shall be elected. The board shall meet at the discretion of the chairman or upon petition of a majority of the members. A majority of the members shall constitute a quorum for the transaction of business. Board members shall receive twenty-five dollars ($25) per diem compensation and expenses for attending board meetings or for the conduct of any board authorized activity. Reimbursement for expenses shall be made consistent with policy governing travel reimbursement for state employes.

(4) All fees and charges collected by the board under the provisions of this chapter shall be paid into the state treasury through the executive department for finance and administration and shall be credited to an agency-fund account for the board of licensure for advertising agencies under the provisions of KRS 45.140. The total expenses for all purposes and obligations of the board shall not exceed the total fees, charges, fines and penalties imposed under the provisions of this chapter and paid into the state treasury.

(5) The board shall promulgate, consistent with KRS Chapter 13, necessary rules and regulations to carry out the provisions of this Act.

SECTION 4. A NEW SECTION OF KRS CHAPTER 331A IS CREATED TO READ AS FOLLOWS:

In order to be eligible for a license to operate an advertising agency under this chapter a person shall:

(1) Have worked for an advertising agency for at least one (1) year prior to application;

(2) Deliver and file with the board before a license is issued or reissued, a surety bond in the amount of ten thousand dollars ($10,000). The bond shall be executed by a surety company authorized to do business in this state and shall be in a form approved by the board.

SECTION 5. A NEW SECTION OF KRS CHAPTER 331A IS CREATED TO READ AS FOLLOWS:

(1) To be eligible for licensure as an advertising specialist an applicant shall:

(a) Be not less than eighteen (18) years of age;

(b) Pass a written examination developed by the board to measure an applicant's knowledge of various aspects of advertising. The examination for licensure shall be given by the board no less than twice a year.

(2) No examination shall be required for the renewal of any license, unless a license has been suspended, revoked or is allowed to expire without renewal.

SECTION 6. A NEW SECTION OF KRS CHAPTER 331A IS CREATED TO READ AS FOLLOWS:

(1) The issuance fee and renewal fee for the licensure of advertising specialists shall be fifteen dollars ($15).

(2) The issuance fee and renewal fee for an advertising agency license shall be seventy-five dollars ($75).

(3) All licenses shall expire June thirtieth of each year. The board shall notify all licensees of the expiration date not earlier than sixty (60) days nor later than thirty (30) days prior to expiration.

(4) No advertising agency license shall be assignable or transferable provided however, a bona fide purchaser of an advertising agency may continue to use the license of the vendor for a forty-five (45) day period after purchase provided a new license is applied for within fifteen (15) days of the purchase.

(5) Duplicate licenses shall be issued without additional fees to valid license holders operating more than one (1) office.

SECTION 7. A NEW SECTION OF KRS CHAPTER 331A IS CREATED TO READ AS FOLLOWS:

(1) A license issued pursuant to this chapter may be suspended or revoked by the board for any one or more of the following causes:

(a) Fraud or bribery in securing a license issued pursuant to this chapter;

(b) Failure to display the license in a conspicuous place in the advertising agency or office;

(c) Violation of any provision of this chapter or any rule or regulation issued pursuant thereto;

(d) Any fraudulent practice in the operation and conduct of an advertising agency; or

(e) Failure to account for or remit, within a reasonable time, any money belonging to others that comes into the possession of the licensee.

(2) Any person may file a complaint with the board against any advertising agency or any advertising specialist licensed by this Act. The board shall investigate all complaints and if an investigation reveals a violation of any provision of this Act, the board shall prefer charges and shall convene a formal hearing. The licensee against whom charges have been brought shall be notified by registered mail of the date of the hearing and he shall be provided a specific statement of charges. Notification of hearing and statement of charges shall be provided at least thirty (30) days prior to the scheduled hearing. He shall have the right to appear with counsel and present evidence and testimony. The board shall issue a written decision within ten (10) days from the date the hearing is completed. The complainant and the licensee against whom the complaint was made shall receive a copy of the decision.

SECTION 8. A NEW SECTION OF KRS CHAPTER 331A IS CREATED TO READ AS FOLLOWS:

(1) Any person who engages in the business of operating an advertising agency or any advertising specialist who fails to become licensed under the provisions of this chapter or who continues to practice after his license has been revoked by the board, shall be subject to a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(2) Whenever any person other than those licensed under this chapter has engaged in any act or practice which constitutes an offense according to the provisions of this chapter, the Franklin Circuit Court on application of the board, may issue an injunction or other appropriate order restraining such conduct.

SECTION 9. A NEW SECTION OF KRS CHAPTER 331A IS CREATED TO READ AS FOLLOWS:

(1) Any person denied a license or whose license has been revoked by the board may appeal the decision of the board to the Franklin Circuit Court. The decision of the board shall be final if an appeal is not taken within sixty (60) days of the date of the board's decision.

(2) Upon denial of, or revocation of a license, any person may reapply to the board after a time period set by the board which shall not exceed one (1) year.

The Committee on Appropriations and Revenue reported **SB 309,** with Committee Amendment attached thereto, and **SB 341,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 309, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation;

(2) Livestock and domestic fowls;

(3) Capital stock of savings and loan associations;

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;

(5) Commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna; however, radio or television towers not essential to the production of the wave or signal broadcast shall not be included;

(6) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half cents (1 1/2 ¢) on each $100 of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half cents (4 1/2 ¢) on each $100 of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(7) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

(8) Property which has been certified as a pollution control facility as defined in KRS 224.850 [;

(9) On and after January 1, 1977, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests;

(10) On and after January 1, 1977, the assessed value of unmined coal shall be included in the formula contained in KRS 132.590(2) in determining the amount of county appropriation to the office of the property valuation administrator].

Section 2. KRS 132.365, Procedure for assessment of mineral properties, is repealed.

Section 3. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half cents (31-1/2 ¢) upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half cents (1-1/2 ¢) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five cents (25¢) upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half cents (1-1/2 ¢) upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowls, fifteen cents (15¢) upon machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, fifteen cents (15¢) upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen cents (15¢) upon property which has been certified as a pollution control facility as defined in KRS 224.850, and forty-five cents (45¢) upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.170, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) Effective on and after January 1, 1968, an annual ad valorem tax for state purposes of one and one-half cents (1 - 1/2 ¢) upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, as defined in KRS 141.205(3), and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten per cent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) Effective on and after January 1, *1979* [1977], unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of *one tenth of one cent ($.001)* [thirty-one and one-half cents (31-1/2 ¢)] per one hundred dollars of assessed value.

The Committee Amendment to **SB 309** is as follows:

Amend printed copy of **SB 309,** page 3, line 7, by deleting the bracket " [" before the semi-colon;

and on page 3, line 15, by deleting the bracket "]" after the word "administrator".

SB 341, AN ACT relating to highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 177.960 is amended to read as follows:

(1) There is hereby created an energy road fund, hereinafter referred to as the "fund", in the state treasury to be administered by the department of transportation. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used for the construction of public roads or for any other activities administered by the department of transportation including the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge only in "coal producing counties" as defined in subsection (3) of this section.

(3) As used in this section, "coal producing county" shall mean a county in which coal was severed within the meaning of Chapter 142 of the Kentucky Revised Statutes and upon which severance the tax applicable thereto was reported and remitted prior to January 1, 1976.

(4) By *April 15, 1978* [August 15, 1976] for fiscal year *1978-79* [1976-77], and by *April 15, 1979* [August 15, 1977] for fiscal year *1979-80* [1977-78], the commissioner of the executive department for finance and administration shall notify the secretary of the department of transportation and the fiscal court of each coal producing county of the total amount in the fund available for expenditure within each such county, which shall be calculated for each fiscal year of the biennium by multiplying the total amount appropriated to or otherwise received by the fund by a fraction the numerator of which shall be the total tons of coal severed in each coal producing county and the denominator of which shall be the total tons of coal severed in all coal producing counties during the *calendar* [fiscal] year next preceding that for which allocations of the fund are made. *Sixty (60) percent of the funds available to each county shall be restricted for use on the state primary road system. Forty (40) percent shall be restricted for use on the county road system on projects selected by the fiscal court.*

(5) *Of the total amount appropriated by the provisions of this Act, a sum not exceeding three (3) percent may be deducted for administration of the program of the bureau of highways.*

(6) Any balance remaining in the fund at the close of *a* [the] fiscal year [1976-77] shall not lapse, but shall continue into *the next* fiscal year [1977-78].

(7) [(6)] Within thirty (30) days thereafter the bureau of highways shall consult with the fiscal courts of each coal producing county for the purpose of receiving recommendations from said fiscal courts for the selection of public roads, highways, streets and bridges for construction, reconstruction, repair and maintenance as provided in KRS 177.330, 177.340 and 177.350, provided, however, that nothing herein shall be construed to limit expenditures from the fund upon secondary and rural roads.

(8) In addition to all other appropriations provided by law in subsections (1) through (6) of this section, there is appropriated to the fund for expenditure in accordance with this Act in fiscal year 1979-80, seventy-five percent (75%) of the total coal severance tax received during the fiscal year 1978-79 in excess of one

hundred sixty-five million, seven hundred seventy-five thousand, six hundred forty-four dollars ($165,775,644) and for expenditure in accordance with this Act in fiscal year 1980-81, seventy-five percent (75%) of the total severance tax received during the fiscal year 1979-80 in excess of one hundred ninety-two million, two hundred seventy-seven thousand, eight hundred ninety-four dollars ($192,277,894) and thereafter during each succeeding fiscal year there is appropriated to the fund in addition to funds appropriated through subsections (1) through (6) of this section, monies amounting to 4.166 of the total severance taxes received during the immediately preceding fiscal year. Any unexpended balance remaining in the fund at the close of each fiscal year shall not lapse, but shall continue to the next fiscal year for expenditure in accordance with this Act.

(9) Thirty-three and one-third percent (33 1/3 %) of the amounts appropriated in subsection (7) shall be expended in coal producing counties through which coal is regularly transported over public highways, roads or streets designated as a part of the state coal haul road system by the department of transportation. On or before August 15, 1979 and each year thereafter, the department of transportation shall publish a directory, including supporting maps and other documents, designated the official coal haul road system in coal producing counties which shall include all public highways, roads and streets over which quantities, of coal, sufficient to significantly affect the condition and state of repair of such highways, roads and streets, have been transported in the immediately preceding fiscal year. The department shall further publish the total mileage of the official state coal haul road system within each coal producing county. The amount appropriated to each county shall be determined by multiplying thirty-three and one-third percent (33 1/3 %) of the amount received by the fund pursuant to subsection (7) by a fraction the numerator of which shall be the total miles of official coal roads in each coal producing county and the denominator of which shall be the total miles of official coal roads in all coal producing counties. The remaining sixty-six and two-thirds percent (66 2/3 %) of the amounts appropriated in subsection (7) shall be expended in coal producing counties on the basis of the total value of coal severed and/or processed in each county. Such amount shall be determined by multiplying sixty-six and two thirds percent (66 2/3 %) of the amount received by the fund pursuant to subsection (7) by a fraction the numerator of which shall be the total gross value of coal severed and/or processed in each coal producing county and the denominator of which shall be the total gross value of coal severed and/or processed in all coal producing counties during the calendar year next preceding that for which allocations of the fund are made.

(10) Every person shipping or transporting coal, and every carrier for hire or common carrier hauling coal over the public highways, roads and streets shall file with the department of transportation such information and at such intervals as the department shall designate by regulation duly adopted for the purpose of identifying those highways, roads and streets comprising the coal haul road system and the quantities of coal transported thereon.

SECTION 2. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of any other law notwithstanding, the governor shall include in the biennial budget report and in the draft appropriation act or acts submitted to each regular session of the General Assembly pursuant to KRS 45.030 and 45.040, for the biennium period beginning July 1, 1980, and for each biennium thereafter, recommendations for appropriations from the general fund to be made by the General Assembly to the energy road fund established by KRS Chapter 177.

(2) The amount to be recommended for the appropriation to the energy road fund shall be nine and six-tenths percent (9.6%) of the severance tax estimate for each fiscal year of the biennium.

The Committee Substitute to **SB 341** is as follows:

SB 341, AN ACT relating to highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 177.960 is amended to read as follows:

(1) There is hereby created an energy road fund, hereinafter referred to as the "fund", in the state treasury to be administered by the department of transportation. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used for the construction of public roads or for any other activities administered by the department of transportation including the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge only in "coal producing counties" as defined in subsection (3) of this section.

(3) As used in this section, "coal producing county" shall mean a county in which coal was severed within the meaning of Chapter 142 of the Kentucky Revised Statutes and upon which severance the tax applicable thereto was reported and remitted prior to January 1, 1976.

(4) By *April 15, 1978* [August 15, 1976] for fiscal year *1978-79* [1976-77], and by *April 15, 1979* [August 15, 1977] for fiscal year *1979-80* [1977-78], the commissioner of the executive department for finance and administration shall notify the secretary of the department of transportation and the fiscal court of each coal producing county of the total amount in the fund available for expenditure within each such county, which shall be calculated for each fiscal year of the biennium by multiplying the total amount appropriated to or otherwise received by the fund by a fraction the numerator of which shall be the total tons of coal severed in each coal producing county and the denominator of which shall be the total tons of coal severed in all coal producing counties during the *calendar* [fiscal] year next preceding that for which allocations of the fund are made. *Sixty (60) percent of the funds available to each county shall be restricted for use on the state primary road system. Forty (40) percent shall be restricted for use on the county road system on projects selected by the fiscal court.*

(5) *Of the total amount appropriated by the provisions of this Act, a sum not exceeding three (3) percent may be deducted for administration of the program of the bureau of highways.*

(6) Any balance remaining in the fund at the close of *a* [the] fiscal year [1976-77] shall not lapse, but shall continue into *the next* fiscal year [1977-78].

(7) [(6)] Within thirty (30) days thereafter the bureau of highways shall consult with the fiscal courts of each coal producing county for the purpose of receiving recommendations from said fiscal courts for the selection of public roads, highways, streets and bridges for construction, reconstruction, repair and maintenance as provided in KRS 177.330, 177.340 and 177.350, provided, however, that nothing herein shall be construed to limit expenditures from the fund upon secondary and rural roads.

(8) In addition to all other appropriations provided by law in subsections (1) through (6) of this section, there is appropriated to the fund for expenditure in accordance with this Act in fiscal year 1979-80, seventy-five percent (75%) of the total coal severance tax received during the fiscal year 1978-79 in excess of one hundred sixty-five million, seven hundred seventy-five thousand, six hundred forty-four dollars ($165,775,644) and for expenditure in accordance with this Act in fiscal year 1980-81, seventy-five percent (75%) of the total severance tax received during the fiscal year 1979-80 in excess of one hundred ninety-two million, two hundred seventy-seven thousand, eight hundred ninety-four dollars ($192,277,894) and thereafter during each succeeding fiscal year there is appropriated to the fund in addition to funds appropriated through subsections (1) through (6) of this section, monies amounting to 4.166% of the total severance taxes received during the immediately preceding fiscal year. Any unexpended balance remaining in the fund at the close of each fiscal year shall not lapse, but shall continue to the next fiscal year for expenditure in accordance with this Act.

(9) Thirty-three and one-third percent (33 1/3 %) of the amounts appropriated in subsection (8) shall be expended in coal producing counties through which coal is regularly transported over public highways, roads or streets designated as a part of the state coal haul road system by the department of transportation. On or before August 15, 1979 and each year thereafter, the department of transportation shall publish a directory, including supporting maps and other documents, designated the official coal haul road system in coal producing counties which shall include all public highways, roads and streets over which quantities, of coal, sufficient to significantly affect the condition and state of repair of such highways, roads and streets, have been transported in the immediately preceding fiscal year. The department shall further publish the total mileage of the official state coal haul road system within each coal producing county. The amount appropriated to each county shall be determined by multiplying thirty-three and one-third percent (33 1/3 %) of the amount received by the fund pursuant to subsection (7) by a fraction the numerator of which shall be the total miles of official coal roads in each coal producing county and the denominator of which shall be the total miles of official coal roads in all coal producing counties. The remaining sixty-six and two-thirds percent (66 2/3 %) of the amounts appropriated in subsection (7) shall be expended in coal producing counties on the basis of the total value of coal severed and/or processed in each county. Such amount shall be determined by multiplying sixty-six and two thirds percent (66 2/3 %) of the amount received by the fund pursuant to subsection (7) by a fraction the numerator of which shall be the total gross value of coal severed and/or processed in each coal producing county and the denominator of which shall be the total gross value of coal severed and/or processed in all coal producing counties during the calendar year next preceding that for which allocations of the fund are made.

(10) Every person shipping or transporting coal, and every carrier for hire or common carrier hauling coal over the public highways, roads and streets shall file with the department of transportation such information and at such intervals as the department shall designate by regulation duly adopted for the purpose of identifying those highways, roads and streets comprising the coal haul road system and the quantities of coal transported thereon.

SECTION 2. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created a coal impact road fund, hereinafter referred to as the "fund", in the state treasury to be administered by the department of transportation. The fund may receive state appropriations, gifts, grants and federal funds.

(2) Money in the fund shall be used for the construction of public roads or for any other activities administered by the department of transportation including the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge only in "coal impact counties" as defined in subsection (3) of this section and not in "coal producing counties" as defined in KRS 177.960(3).

(3) As used in this section, "coal impact county" shall mean a county in which coal was not severed within the meaning of Chapter 143 of the Kentucky Revised Statutes after July 1, 1978, but one through which coal is regularly transported over public highways, roads or streets designated as a part of the state coal road system by the department of transportation. On or before August 15, 1979, and each year thereafter, the department of transportation shall publish a directory, including supporting maps and other documents, designating the official state coal road system in coal impact and coal producing counties which shall include all public highways, roads, and streets over which quantities of coal, sufficient to significantly affect the condition and state of repair of such highways, roads and streets, have been transported in the immediately preceding fiscal year. The department shall further publish the total county mileage of the official state coal road system and the total ton/miles within each coal impact and coal producing county for said preceding fiscal year.

(4) Every person shipping or transporting coal, and every carrier for hire or common carrier hauling coal over the public highways, roads and streets shall file with the department of transportation such information and at such intervals as the department shall designate by regulation duly adopted for the purpose of identifying those highways, roads and streets comprising the coal haul road system and the quantities of coal transported thereon, in order that the department can accurately calculate total ton/miles within each coal impact and coal producing county.

(5) On or before April 15, 1979, and each year thereafter, the secretary of the executive department for finance and administration shall notify the secretary of the department of transportation and the fiscal court of each coal impact county of the total amount in the fund available for expenditure within each such county, which shall be calculated for each fiscal year of the biennium by multiplying the total amount appropriated to or otherwise received by the fund by a fraction the numerator of which shall be the total ton/miles in each coal impact county and the denominator of which shall be the total ton/miles in all coal impact counties during the calendar year next preceding that for which allocations of the fund are made. Sixty percent (60%) of the funds available to each county shall be restricted for use on the state primary road system. Forty percent (40%) of such funds shall be restricted for use on the county road system on projects selected by the fiscal court. An amount not to exceed three percent (3%) of the total amount annually appropriated to or otherwise received by the coal impact road fund may be deducted for administration of the program by the bureau of highways.

(6) Within thirty (30) days thereafter the bureau of highways shall consult with the fiscal courts of each coal impact county for the purpose of receiving recommendations from said fiscal courts for the selection of public highways, roads, streets and bridges for construction, reconstruction, repair and maintenance as provided in KRS 177.330, 177.340 and 177.350, provided, however, that nothing herein shall be construed to limit expenditures from the fund upon secondary and rural roads.

(7) In addition to all other appropriations provided by law, there is appropriated to the fund for expenditure in accordance with this section in fiscal year 1979-80, twenty-five percent (25%) of the total coal severance taxes received during the fiscal year 1978-79 in excess of one hundred sixty-five million, seven hundred seventy-five thousand, six hundred forty-four dollars ($165,775,644) and for expenditure in accordance with this section in fiscal year 1980-81 twenty-five percent (25%) of the total severance tax received during the fiscal year 1979-80 in excess of one hundred ninety-two million, two hundred seventy-seven thousand, eight hundred ninety-four dollars ($192,277,894) and thereafter during each succeeding fiscal year there is appropriated to the fund, in addition to all other appropriations provided by law and any gifts, grants, or federal funds, an amount equal to one and three hundred eighty-nine thousandths percent (1.389%) of the total severance taxes received during the immediately preceding fiscal year. Any unexpended balance remaining in the fund at the close of each fiscal year shall not lapse, but shall continue to the next fiscal year for expenditure in accordance with this section.

SECTION 3. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of any other law notwithstanding, the governor shall include in the biennial budget report and in the draft appropriation act or acts submitted to each regular session of the General Assembly pursuant to KRS 45.030 and 45.040, for the biennium period beginning July 1, 1980, and for each biennium thereafter, recommendations for appropriations from the general fund to be made by the General Assembly to the energy road fund and the coal impact road fund established by KRS Chapter 177.

(2) The amount to be recommended for the appropriation to the energy road fund shall be nine and six-tenths percent (9.6%), and to the coal impact road fund one and two-tenths percent (1.2%) of the severance tax estimate for each fiscal year of the biennium.

The Committee on Public Utilities and Transportation reported **HB 503** and **SB 301,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 503, AN ACT relating to relocation assistance by utilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 56.620 is amended to read as follows:

The purpose of KRS 56.610 to 56.760, 416.140, and 416.470 is to establish a uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property *by utilities,* by state and local land acquisition programs, by building code enforcement activities, or by a program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision. Such policy shall be uniform as to relocation payments, advisory assistance, assurance of availability of standard housing, and state reimbursement for local relocation payments under state assisted and local programs.

Section 2. KRS 56.630 is amended to read as follows:

As used in KRS 56.610 to 56.760, 416.140, and 416.470 the term:

(1) "State agency" means any department, agency or instrumentality of the state or of a political subdivision of the state, or any department, agency or instrumentality of two (2) or more subdivisions of the state, engaged in federally assisted projects which result in displacement of persons due to the operation of such projects.

(2) "Person" means any individual partnership, corporation, or association.

(3) "Displaced person" means any person who, on or after June 16, 1972, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a state agency; and solely for the purpose of KRS 56.640(1) and (2) and 56.670, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project. Whenever federal land and water conservation fund or national park system funds are used by an acquiring agency and said acquiring agency provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six (6) months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under KRS 56.610 to 56.760 and shall not be considered a displaced person as defined above.

(4) "Nonprofit organization" means such organization as defined in KRS 273.161.

(5) "Business" means any lawful activity, excepting a farm operation, conducted primarily:

(a) For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) Solely for the purposes of KRS 56.640(1) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(6) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(7) "Utility" means any person, including natural persons, partnerships, corporations and two (2) or more persons having a joint or common interest or any governmental unit which owns, controls, operates or manages any facility used or to be used for or in connection with:

(a) The generation, production, transmission or distribution of electricity to or for the public, for compensation, for lights, heat, power or other uses;

(b) The production, manufacture, storage, distribution, sale or furnishing of natural or manufacutured gas, or a mixture of the same, to or for the public, for compensation, for light, heat, power or other uses;

(c) The transporting or conveying of gas, crude oil or other fluid substance by pipeline to or for the public for compensation;

(d) The diverting, developing, pumping, impounding, distributing or furnishing or water to or for the public for compensation; or

(e) The transmission or conveyance over wire, in air or otherwise, or any message by telephone or telegraph for the public, for compensation; or

(f) The treatment of sewage for the public, for compensation.

Section 3. KRS 56.640 is amended to read as follows:

(1) If a state agency *or a utility* acquires real property for public use, it shall make fair and reasonable relocation payments to displaced persons and businesses as required by KRS 56.610 to 56.760, 416.140, and 416.470, for:

(a) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(b) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the state agency *or utility*; and

(c) actual reasonable expenses in searching for a replacement business or farm.

(2) Any displaced person eligible for payments under subsection (1) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (1) of this section may receive a moving expense allowance, determined according to a schedule established by the state agency *or utility* and a dislocation allowance, such moving expense and dislocation allowances not to exceed the maximum amount of such allowances required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any amendments thereto subsequently adopted.

(3) Any displaced person eligible for payments under subsection (1) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (1) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be in the amount required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any amendments thereto subsequently adopted. In the case of a business no payment shall be made under this subsection unless the state agency *or utility* is satisfied that the business cannot be relocated without a substantial loss of its existing patronage, and is not a part of a commercial enterprise having at least one other establishment not being acquired by the state, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earning" means one-half of any net earnings of the business or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as such agency *or utility* determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

Section 4. KRS 56.650 is amended to read as follows:

(1) In addition to payments otherwise authorized by KRS 56.610 to 56.760, 416.140, and 416.470, the state agency *or the utility* shall make an additional payment, not in excess of the maximum amount of such payment required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any amendments thereto subsequently adopted, to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(a) The amount, if any, which when added to the compensation for the dwelling acquired by the state agency *or utility* equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this paragraph shall be determined by regulations issued pursuant to KRS 56.690.

(b) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be determined by regulations issued pursuant to KRS 56.690.

(c) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one-year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

Section 5. KRS 56.660 is amended to read as follows:

In addition to amounts otherwise authorized by KRS 56.610 to 56.760, 416.140, and 416.470, a state agency *or utility* shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under KRS 56.640 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either:

(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed the maximum amount required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any amendments thereto subsequently adopted, or

(2) The amount necessary to enable such person to make a downpayment (including incidental expenses described in KRS 56.650 (1) (c)), the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, in the amount and on the conditions as required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any amendments thereto subsequently adopted.

Section 6. KRS 56.670 is amended to read as follows:

(1) Whenever the acquisition of real property for a program or project undertaken by a state agency *or utility* will result in the displacement of any person on or after June 16, 1972, such agency *or utility* shall provide a relocation assistance advisory program for displaced persons which shall offer the services prescribed in subsection (2) of this section. If the state agency *or utility* determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, it may offer such person relocation advisory services under such program.

(2) Each relocation assistance program required by subsection (1) shall include such measures, facilities, or services as may be necessary or appropriate in order to determine the needs of displaced persons, business concerns, and nonprofit organizations for relocation assistance; to assist owners of displaced businesses and farm operations in obtaining and becoming established in suitable business locations or replacement farms; to supply information concerning programs of the federal, state and local governments offering assistance to displaced persons and business concerns; to assist in minimizing hardships to displaced persons in adjusting to relocation; and to secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

Section 7. KRS 56.680 is amended to read as follows:

Whenever the acquisition of real property for a program or project undertaken by a state agency *or utility* will result in the displacement of any person on or after June 16, 1972, such agency *or utility* shall assure that, within a reasonable period of time, prior to displacement there will be available, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment; except that regulations issued pursuant to KRS 56.690 may prescribe situations when these assurances may be waived.

Section 8. KRS 56.690 is amended to read as follows:

(1) The executive department for finance and administration shall adopt such rules and regulations as may be necessary to assure:

(a) That the payments and assistance authorized by KRS 56.610 to 56.760, 416.140, and 416.470 shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(b) That a displaced person who makes proper application for a payment authorized for such person by KRS 56.610 to 56.760, 416.140, and 416.470 shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(c) That any person aggrieved by a determination as to eligibility for a payment authorized by KRS 56.610 to 56.760, 416.140, and 416.470, or the amount of a payment, may have his application reviewed by the head of the state agency *or by an officer of the utility.*

(2) The executive department for finance and administration may prescribe such other regulations and procedures, consistent with the provisions of KRS 56.610 to 56.760, 416.140, and 416.470, as it deems necessary or appropriate to carry out KRS 56.610 to 56.760, 416.140, and 416.470.

SB 301, AN ACT relating to solid waste.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

The general assembly of the Commonwealth of Kentucky hereby finds, determines and declares, as follows:

(1) That an ever-increasing volume of solid waste within the Commonwealth is being generated as a result of increasing economic and commercial activity, continuing technological progress and changes in methods of manufacturing, packaging and marketing of consumer products, which results in additional solid wastes discarded by the users of such products;

(2) That the continued economic and population growth of the Commonwealth has required increased industrial and commercial expansion and has made necessary the demolition of obsolete structures, the construction of new structures, the provision of highways and other avenues of transportation and the construction and installation of public works which, together with pre-existing commercial, industrial and agricultural operations, have resulted in the generation of further volumes of solid wastes;

(3) That the handling of solid wastes has been primarily carried out through the dumping of such wastes on open soil and in landfills, which in some cases are inimical to the public health, safety and welfare;

(4) That by the enactment by the Congress of the United States of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580), the collection, sanitary disposal and recovery of solid wastes has been determined to be a matter of nationwide importance, recognizing that the management of solid wastes should continue to be primarily the function of state, regional and local agencies; and that pursuant to such federal law, the Commonwealth has taken and will take certain actions in respect to the planning and implementation of solid waste plans within the guidelines of time requirements set forth in such federal law;

(5) That as a result of the conditions described in the foregoing findings, problems of solid waste collection, management and treatment and resource recovery activities in connection therewith have become a matter of state-wide concern necessitating action by the general assembly to (a) enable responsible planning and management agencies to be created to define solid waste management requirements, with all of the foregoing subject to regulation by the department for natural resources and environmental protection, and (b) assist those units of government primarily responsible for the management of solid waste and the acquisition, financing and operation of facilities to dispose of same to fulfill their functions in a responsible and proper manner with primary emphasis on the regionalization of such functions; and

(6) That it is the intent of the general assembly of the Commonwealth of Kentucky that the primary responsibility for adequate solid waste collection, management, treatment, disposal and resource recovery shall rest with counties, or combinations of cities and counties, subject to rules, regulations, criteria and requirements promulgated by the department for natural resources and environmental protection and subject to approval by such department of the implementation of solid waste collection, treatment, disposal, and resource recovery plans, all for the purpose of effectuating the safe and sanitary management, use and handling of solid waste, the protection of the health, welfare and safety of the citizens and inhabitants of the Commonwealth and for making the most efficient use of all resources for the benefit of the citizens and inhabitants of the Commonwealth.

(7) That the general assembly recognizes that the generation of solid waste is inevitable, but that much of it is unnecesary and should be discouraged; however, where solid waste does exist, it should be considered to the extent possible as a valuable resource, and be made use of wherever and whenever desirable and economically justifiable; therefore, it shall be the policy of the Commonwealth to, above all things, encourage resource conservation and preservation of our natural resources before such waste contributes in a needless fashion to the volumes of solid waste and litter produced by our society, but in dealing with existing solid waste, materials recovery from the solid waste stream is deemed to be the most environmentally sound alternative for handling waste. Energy recovery should be practiced as a preferable alternative to simple disposal.

(8) It is not the intent of this Act to prohibit or discourage the participation of the private sector in any aspect of solid waste management. Moreover, it is preferable for solid waste management functions to be performed by the private sector when such is in the best interests of the public and conforms with the policies and provisions set forth in this Act.

(9) It is the intent of the general asssembly that this Act provide counties with three (3) alternative approaches to the development and implementation of solid waste management plans. With the approval of the department, a single county in conjunction with the cities in that county may function as a solid waste management area as provided in Section 8 of this Act, or counties may elect to operate as multi-county areas in which they may agree to function pursuant to the terms of a contract as provided in Section 9 of this Act, or they may elect to operate as a district pursuant to Sections 10— 13 of this Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

(1) "Board of Directors" or "board" means the governing body of a solid waste management district.

(2) "City" means an existing city of any class.

(3) "County" means the governing body of a county, including urban county governments.

(4) "Department" means the department for natural resources and environmental protection.

(5) "District" means any solid waste management area electing to operate under the provisions of Sections 10— 13 of this Act in conformance with Public Law 94-580.

(6) "Person" means any and all persons, natural or artificial, including any individual, firm or association, any municipal or quasi-municipal corporation or private corporation, any county and any other governmental agency and political subdivision of the Commonwealth or any subdivision or instrumentality of the United States of America.

(7) "Resource Recovery" means any process by which components of solid waste are recovered for reuse or transformed into useful materials, products or energy.

(8) "Sanitary landfill" means a facility for the disposal of solid waste consistent with and pursuant to criteria established by the Solid Waste Disposal Act (42 USC 3251) and the Resource Conservation and Recovery Act of 1976, Public Law 94-580.

(9) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

(10) "Solid waste management" means any and all processes by which solid waste is collected, transported, stored, separated, processed or disposed of in any manner according to an orderly and planned program of a county or multi-county solid waste management area duly approved by the department.

(11) "Solid waste management area" or "area" means any county or group of counties designated by the department for the purpose of solid waste management.

(12) "Solid waste management facility" means any solid waste treatment and handling or disposal facility, interim holding or transfer facility, or volume reduction plant consisting of, but not limited to, structures, incinerators, pulverizers, compactors, graters, shredders, bailers, roller grates, heat transferral units, steam and energy generating units and other related facilities which accept and process solid waste.

SECTION 3. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

The department for natural resources and environmental protection of the Commonwealth of Kentucky is hereby designated as the official planning and management agency of the Commonwealth of Kentucky in the field of solid waste. The department shall have primary responsibility for the promulgation of rules, regulations and criteria for coordinating the solid waste planning and management activities of cities, counties, or any combination thereof and for the approval of solid waste management facilities.

SECTION 4. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

(1) The department shall promulgate rules, regulations, guidelines and criteria for cities, and counties in creating solid waste management areas and planning for the management and recovery of solid waste, consistent with the statewide plan.

(2) Pursuant to such rules, regulations, criteria and guidelines, cities and counties, acting as solid waste management areas shall have a solid waste management plan by January 1, 1981.

(3) Any county or group of counties, or combination of cities and counties acting in accordance with the state comprehensive plan shall apply to the department for designation as a solid waste management area. Upon receipt of such application, the department shall either approve the creation of an area for solid waste management purposes or shall disapprove such application, and in the event of disapproval shall state in writing the reasons for such disapproval.

(4) Counties and cities are expressly authorized in addition to the powers enumerated in KRS Chapter 65 to contract with one another in order to regionalize solid waste management to the maximum extent practicable.

(5) In the event a solid waste management plan is prepared and submitted to and approved by the department by an area development district created pursuant to KRS Sections 147A.050 to 147A.120, inclusive, which includes any entire county or city, such county or city shall be deemed by the filing of such area development district plan to have complied with the provisions of this section.

SECTION 5. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

Each area solid waste management plan shall be prepared in accordance with rules and regulations to be promulgated by the department and shall include, but not be limited to, the following:

(1) An estimate of the long-range needs for solid waste management facilities projected not less than twenty (20) years into the future;

(2) An inventory and description of all existing facilities wherein or whereby solid waste is being treated or disposed of, including an inventory of the deficiencies, if any, of such facilities in meeting current solid waste management needs;

(3) A description of the comprehensive land use plan, if any, of such county or counties composing the area describing the interrelationship of the solid waste management plan to such land use plan;

(4) A statement as to the ability of present solid waste management facilities to comply with state and federal environmental laws relating to solid waste;

(5) A plan for the acquisition of solid waste management facilities, together with a capital construction budget and a financing plan in respect thereto;

(6) A demographic study showing current and projected population density of each county and identifying population centers and centers of solid waste generation;

(7) A description of any proposed resource recovery plan or facility.

SECTION 6. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

(1) In addition to all other powers enumerated in Chapter 67 and other sections of the Kentucky Revised Statutes, counties, acting by and through their fiscal courts, may plan, initiate, acquire, construct and maintain solid waste management facilities and promulgate rules and regulations with respect thereto in accordance with this Act.

It is hereby determined and declared that in the implementation, acquisition, financing and maintenance of solid waste management facilities, and in respect of enforcement of use thereof, counties will be performing state functions duly delegated thereto for the public welfare. In such regard, the right of counties to condemn land necessary for the acquisition of solid waste management facilities pursuant to the Eminent Domain Act of Kentucky and to exercise the police power in respect thereto is confirmed. Any county may contract with third parties for the management by public or private means of solid waste within the county and may, as a condition of said contract, require that all solid waste generated within any such county and collected under the terms of said contract be conveyed to and handled by solid waste management facilities acquired pursuant to this Act, subject to the provision of subsection (3) of this section.

(2) No solid waste management facility shall be acquired and constructed until the construction thereof has been approved in writing by the department. Permits for sanitary landfills shall be issued only in accordance with the policy set forth in Section 1(7) of this Act. The department shall not allow the operation of any component of a solid waste management system in an area served by an approved solid waste management plan where the same would interfere with the successful implementation of the plan. Any operation or installation contrary to these provisions shall constitute a public nuisance and shall be abated by an injunction upon proper application by anyone aggrieved including the solid waste management area or the department. This section shall not be construed to prohibit any materials recovery operations unless it is established that such operation would jeopardize a city, county, or district's ability to meet financial obligations incurred in the maintenance, operation, or amortization of capital acquisition costs for a solid waste management facility.

(3) Any county undertaking the planning, implementation, construction, installation, acquisition and financing of a solid waste management facility pursuant to this Act shall have the authority set forth in Chapter 58 of the Kentucky Revised Statutes in respect of the financing of such solid waste management facility including the authority to promulgate, enforce and collect reasonable rates, rentals and charges for the use of such solid waste management facility and may require the use of such solid waste management facility by all persons, firms and governmental entities situated within the geographical boundaries thereof; provided, however, that in the case of any such action by any county such mandatory use of any solid waste management facility shall not be applicable to any city situated within the geographical boundaries of any such county which owns and operates a municipal solid waste management facility, and which complies with the intent and purposes herein provided, other than a sanitary landfill upon the effective date of this Act.

(4) Bonds authorized to be issued by any county pursuant to the authority of this Act for the financing of solid waste management facilities may be sold at either private or public sale as may in the sound discretion of the county be in the best interests of the county.

(5) Any county undertaking a solid waste management facility pursuant to the provisions of this Act may contract with any firm, person, corporation or governmental entity outside the geographical boundaries of such county for the provision of solid waste management services. In connection with the operation of such solid waste management facility, any such county may enter into contracts with any firm, person, corporation or governmental entity for any term of years for operation and maintenance of such facility.

(6) Counties are authorized to charge a reasonable fee to haulers for the handling of their waste at a solid waste management facility approved by the department.

(7) Counties are authorized to sell or market materials and energy recovered from solid waste and to enter into long-term contracts to insure markets for the sale of recovered products.

(8) In carrying out the provisions of this Act, counties shall be subject to the rules, regulations and requirements promulgated by the department in respect of solid waste.

SECTION 7. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

Any county or district may, jointly with any city or cities of any class or with any other county or counties, plan, implement, construct, install, acquire and finance a solid waste management facility pursuant to this Act, and in respect thereof shall have all authority, power, rights and duties and shall be subject to all restrictions set forth in this Act, and as provided in Chapter 58 of the Kentucky Revised Statutes.

SECTION 8. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

Where it is consistent with the policy set forth in this Act and approved by the department one (1) county may be designated as a solid waste management area.

Section 9. KRS 109.020 is amended to read as follows:

When the governing bodies of two (2) or more [cities or] counties, *and the most populous city of each such county* [or both, have declared by ordinance, order or resolution that it is in the best interest of such cities and counties to] join with each other in the *management* [collection and disposal] or solely in the collection or solely in the disposal of *solid waste in accordance with the state solid waste management plan* [garbage and refuse] they *may* [shall] cause a contract to be prepared and executed which shall set forth:

(1) Whether and to what extent [such] cities and counties, [or both,] shall render services to the *area* [district] and receive services from the *area* [district] or from each other.

(2) Whether [such] cities *and*[,] counties [or any of them] will contract with a private party or parties for the *management* [collection] of *solid waste* [garbage and refuse].

(3) The financial responsibilities and contributions of the respective cities and counties in the joint undertaking.

(4) The extent to which the cities and counties will furnish personnel and administrative services to the *area* [district].

(5) The terms of the contract or agreement: Provided That such contract may be modified from time to time as conditions may warrant and provided one or more additional [cities and] counties desiring to participate in the joint undertaking may be permitted to become parties to the contract [or that any participant may withdraw therefrom on such conditions as shall be agreed to by all participants].

(6) Such other provisions as may be necessary to execute a workable system *for solid waste management* [of collection and disposal] or solely of collection or solely of disposal of *solid waste* [garbage and refuse].

SECTION 10. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

Whenever two (2) or more counties elect to join together for the purposes of solid waste management they may establish and maintain a district. Districts shall have all powers and authority set forth in Section 6 of this Act including the authority to require the use of such a solid waste management facility by all persons, firms, and governmental entities situated within the geographical boundaries thereof.

The district shall be controlled and managed by a board of directors consisting of the county judges/executive of every county, or portion of a county, within that district and the mayor of the most populous city in each county. In the instance that a city is incorporated into a district, and the remainder of the county lies within another district, the mayor of said city shall be represented on the board of that district.

Section 11. KRS 109.120 is amended to read as follows:

The board may adopt such rules and regulations as are necessary to carry out the purposes for which the district was created and necessary to the adequate *management* [collection and disposal] of *solid waste* [garbage and refuse] in a manner adequate to protect the public health *and consistent with such rules and regulations as may be promulgated by the department.*

Section 12. KRS 109.150 is amended to read as follows:

The district may acquire by bequest, gift, grant or purchase such real and personal property or any interest therein as may be necessary to accomplish its purposes. Title to all property acquired by the district shall vest solely in the name of the district. With the approval of the department the district may apply for and receive funds made available under federal legislation in the form of grants and loans and for the purpose of improving *solid waste management* [collection systems and disposal methods of garbage and refuse].

Section 13. KRS 109.180 is amended to read as follows:

(1) *Any county or* [The] district may levy an annual tax of not to exceed ten cents (10¢) on each one hundred dollars ($100) of assessed valuation of real property within the *area* [district] subject to taxation for county purposes. The proceeds of such tax shall be used for expenses of the *area* [district] and for redemption of any bonds issued [by the district pursuant to KRS 109.170].

(2) The *county or* district may in lieu of the tax provided in subsection (1) or in addition thereto finance the maintenance, [and] operation *and capital acquisition costs* of the *area* [district] by *fees* [service charges] to be collected from all persons receiving services from the *area* [district]. Such charges shall be fixed in such amounts as can be reasonably expected to yield revenues not in excess of the cost of operation and maintenance of the system and for an adequate depreciation fund *and amortization of capital acquisition costs.*

(3) The service charges authorized by subsection*s (1) and* (2) *of this section* may be collected by the *area* [district] directly or the *area* [district] may enter into an agreement with other utilities either public or private *to collect* [where possible on such terms as may be acceptable to both for the collection of] such charges.

SECTION 14. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

This Act shall not apply to garbage and refuse districts duly constituted at the time of enactment of this legislation unless such do not comply with the federal resource conservation and recovery act and with the state solid waste management plan.

SECTION 15. KRS 109.010, Definitions; 109.030, Garbage disposal districts establishment by fiscal court and cities; 109.040, Board of directors of garbage disposal district; 109.050, Oath and bond of directors; 109.060, Directors, term of office; 109.070, Plans of Districts Operation; 109.080, Methods of disposal; 109.090, Collection and disposal before plans approved unlawful; 109.095, Discontinuance by petition of majority; 109.100, Engineer and attorney for board—Personnel—Offices; 109.130, Contracts for service outside district, are repealed.

The Committee Substitute to **SB 301** is as follows:

SB 301, AN ACT relating to solid waste.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

The general assembly of the Commonwealth of Kentucky hereby finds, determines and declares, as follows:

(1) That an ever-increasing volume of solid waste within the Commonwealth is being generated as a result of increasing economic and commercial activity, continuing technological progress and changes in methods of manufacturing, packaging and marketing of consumer products, which results in additional solid wastes discarded by the users of such products;

(2) That the continued economic and population growth of the Commonwealth has required increased industrial and commercial expansion and has made necessary the demolition of obsolete structures, the construction of new structures, the provision of highways and other avenues of transportation and the construction and installation of public works which, together with pre-existing commercial, industrial and agricultural operations, have resulted in the generation of further volumes of solid wastes;

(3) That the handling of solid wastes has been primarily carried out through the dumping of such wastes on open soil and in landfills, which in some cases are inimical to the public health, safety and welfare;

(4) That by the enactment by the Congress of the United States of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580), the collection, sanitary disposal and recovery of solid wastes has been determined to be a matter of nationwide importance, recognizing that the management of solid wastes should continue to be primarily the function of state, regional and local agencies; and that pursuant to such federal law, the Commonwealth has taken and will take certain actions in respect to the planning and implementation of solid waste plans within the guidelines of time requirements set forth in such federal law;

(5) That as a result of the conditions described in the foregoing findings, problems of solid waste collection, management and treatment and resource recovery activities in connection therewith have become a matter of state-wide concern necessitating action by the general assembly to (a) enable responsible planning and management agencies to be created to define solid waste management requirements, with all of the foregoing subject to regulation by the department for natural resources and environmental protection, and (b) assist those units of government primarily responsible for the management of solid waste and the acquisition, financing and operation of facilities to dispose of same to fulfill their functions in a responsible and proper manner with primary emphasis on the regionalization of such functions; and

(6) That it is the intent of the general assembly of the Commonwealth of Kentucky that the primary responsibility for adequate solid waste collection, management, treatment, disposal and resource recovery shall rest with counties, or combinations of cities and counties, subject to rules, regulations, criteria and requirements promulgated by the department for natural resources and environmental protection and subject to approval by such department of the implementation of solid waste collection, treatment, disposal, and resource recovery plans, all for the purpose of effectuating the safe and sanitary management, use and handling of solid waste, the protection of the health, welfare and safety of the citizens and inhabitants of the Commonwealth and for making the most efficient use of all resources for the benefit of the citizens and inhabitants of the Commonwealth.

(7) That the general assembly recognizes that the generation of solid waste is inevitable, but that much of it is unnecesary and should be discouraged; however, where solid waste does exist, it should be considered to the extent possible as a valuable resource, and be made use of wherever and whenever desirable and economically justifiable; therefore, it shall be the policy of the Commonwealth to, above all things, encourage resource conservation and preservation of our natural resources before such waste contributes in a needless fashion to the volumes of solid waste and litter produced by our society, but in dealing with existing solid waste, materials recovery from the solid waste stream is deemed to be the most environmentally sound alternative for handling waste.

(8) It is not the intent of this Act to prohibit or discourage the participation of the private sector in any aspect of solid waste management. Moreover, it is preferable for solid waste management functions to be performed by the private sector when such is in the best interests of the public and conforms with the policies and provisions set forth in this Act.

(9) It is the intent of the general asssembly that this Act provide counties with three (3) alternative approaches to the development and implementation of solid waste management plans. With the approval of the department, a single county in conjunction with the cities in that county may function as a solid waste management area as provided in Section 8 of this Act, or counties may elect to operate as multi-county areas in which they may agree to function pursuant to the terms of a contract as provided in Section 9 of this Act, or they may elect to operate as a district pursuant to Sections 10— 13 of this Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

(1) "Board of Directors" or "board" means the governing body of a solid waste management district.

(2) "City" means an existing city of any class.

(3) "County" means the governing body of a county, including urban county governments.

(4) "Department" means the department for natural resources and environmental protection.

(5) "District" means any solid waste management area electing to operate under the provisions of Sections 10— 13 of this Act in conformance with Public Law 94-580.

(6) "Person" means any and all persons, natural or artificial, including any individual, firm or association, any municipal or quasi-municipal corporation or private corporation, any county and any other governmental agency and political subdivision of the Commonwealth or any subdivision or instrumentality of the United States of America.

(7) "Resource Recovery" means any process by which components of solid waste are recovered for reuse or transformed into useful materials, products or energy.

(8) "Sanitary landfill" means a facility for the disposal of solid waste consistent with and pursuant to criteria established by the Solid Waste Disposal Act (42 USC 3251) and the Resource Conservation and Recovery Act of 1976, Public Law 94-580.

(9) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

(10) "Solid waste management" means any and all processes by which solid waste is collected, transported, stored, separated, processed or disposed of in any manner according to an orderly and planned

program of a county or multi-county solid waste management area duly approved by the department.

(11) "Solid waste management area" or "area" means any county or group of counties designated by the department for the purpose of solid waste management.

(12) "Solid waste management facility" means any solid waste treatment and handling or disposal facility, interim holding or transfer facility, or volume reduction plant consisting of, but not limited to, structures, incinerators, pulverizers, compactors, graters, shredders, bailers, roller grates, heat transferral units, steam and energy generating units and other related facilities which accept and process solid waste.

SECTION 3. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

The department for natural resources and environmental protection of the Commonwealth of Kentucky is hereby designated as the official planning and management agency of the Commonwealth of Kentucky in the field of solid waste. The department shall have primary responsibility for the promulgation of rules, regulations and criteria for coordinating the solid waste planning and management activities of cities, counties, or any combination thereof and for the approval of solid waste management facilities.

SECTION 4. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

(1) The department shall promulgate rules, regulations, guidelines and criteria for cities, and counties in creating solid waste management areas and planning for the management and recovery of solid waste, consistent with the statewide plan.

(2) Pursuant to such rules, regulations, criteria and guidelines, cities and counties, acting as solid waste management areas shall have a solid waste management plan by January 1, 1981.

(3) Any county or group of counties, or combination of cities and counties acting in accordance with the state comprehensive plan shall apply to the department for designation as a solid waste management area. Upon receipt of such application, the department shall either approve the creation of an area for solid waste management purposes or shall disapprove such application, and in the event of disapproval shall state in writing the reasons for such disapproval.

(4) Counties and cities are expressly authorized in addition to the powers enumerated in KRS Chapter 65 to contract with one another in order to regionalize solid waste management to the maximum extent practicable.

(5) In the event a solid waste management plan is prepared and submitted to and approved by the department by an area development district created pursuant to KRS Sections 147A.050 to 147A.120, inclusive, which includes any entire county or city, such county or city shall be deemed by the filing of such area development district plan to have complied with the provisions of this section.

SECTION 5. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

Each area solid waste management plan shall be prepared in accordance with rules and regulations to be promulgated by the department and shall include, but not be limited to, the following:

(1) An estimate of the long-range needs for solid waste management facilities projected not less than twenty (20) years into the future;

(2) An inventory and description of all existing facilities wherein or whereby solid waste is being treated or disposed of, including an inventory of the deficiencies, if any, of such facilities in meeting current solid waste management needs;

(3) A description of the comprehensive land use plan, if any, of such county or counties composing the area describing the interrelationship of the solid waste management plan to such land use plan;

(4) A statement as to the ability of present solid waste management facilities to comply with state and federal environmental laws relating to solid waste;

(5) A plan for the acquisition of solid waste management facilities, together with a capital construction budget and a financing plan in respect thereto;

(6) A demographic study showing current and projected population density of each county and identifying population centers and centers of solid waste generation;

(7) A description of any proposed resource recovery plan or facility.

SECTION 6. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

(1) In addition to all other powers enumerated in Chapter 67 and other sections of the Kentucky Revised Statutes, counties, acting by and through their fiscal courts, may plan, initiate, acquire, construct and maintain solid waste management facilities and promulgate rules and regulations with respect thereto in accordance with this Act.

It is hereby determined and declared that in the implementation, acquisition, financing and maintenance of solid waste management facilities, and in respect of enforcement of use thereof, counties will be performing state functions duly delegated thereto for the public welfare. In such regard, the right of counties to condemn land necessary for the acquisition of solid waste management facilities pursuant to the Eminent Domain Act of

Kentucky and to exercise the police power in respect thereto is confirmed. Any county may contract with third parties for the management by public or private means of solid waste within the county.

(2) No solid waste management facility shall be acquired and constructed until the construction thereof has been approved in writing by the department. Permits for sanitary landfills shall be issued only in accordance with the policy set forth in Section 1(7) of this Act. No county shall prohibit any materials recovery operations unless it is established that such operation would jeopardize a city, county, or district's ability to meet financial obligations incurred in the maintenance, operation, or amortization of capital acquisition costs for a solid waste management facility.

(3) Any county undertaking the planning, implementation, construction, installation, acquisition and financing of a solid waste management facility pursuant to this Act shall have the authority set forth in Chapter 58 of the Kentucky Revised Statutes in respect of the financing of such solid waste management facility including the authority to promulgate, enforce and collect reasonable rates, rentals and charges for the use of such solid waste management facility.

(4) Bonds authorized to be issued by any county pursuant to the authority of this Act for the financing of solid waste management facilities may be sold at either private or public sale as may in the sound discretion of the county be in the best interests of the county.

(5) Any city or county undertaking solid waste management pursuant to the provisions of this Act may contract with any firm, person, corporation or governmental entity outside the geographical boundaries of such county for the provision of solid waste management services. In connection with solid waste management, any city or county may enter into contracts with any firm, person, corporation or governmental entity for any term of years.

(6) Counties are authorized to charge a reasonable fee to haulers for the handling of their waste at a solid waste management facility approved by the department.

(7) Counties are authorized to sell or market materials and energy recovered from solid waste and to enter into long-term contracts to insure markets for the sale of recovered products.

(8) In carrying out the provisions of this Act, counties shall be subject to the rules, regulations and requirements promulgated by the department in respect of solid waste.

SECTION 7. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

Any county or district may, jointly with any city or cities of any class or with any other county or counties, plan, implement, construct, install, acquire and finance or otherwise provide by contract solid waste management pursuant to this Act, and in respect thereof shall have all authority, power, rights and duties and shall be subject to all restrictions set forth in this Act, and as provided in Chapter 58 of the Kentucky Revised Statutes.

SECTION 8. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

Where it is consistent with the policy set forth in this Act and approved by the department one (1) county may be designated as a solid waste management area.

Section 9. KRS 109.020 is amended to read as follows:

When the governing bodies of two (2) or more [cities or] counties, *and the most populous city of each such county* [or both, have declared by ordinance, order or resolution that it is in the best interest of such cities and counties to] join with each other in the *management* [collection and disposal] or solely in the collection or solely in the disposal of *solid waste in accordance with the state solid waste management plan* [garbage and refuse] they *may* [shall] cause a contract to be prepared and executed which shall set forth:

(1) Whether and to what extent [such] cities and counties, [or both,] shall render services to the *area* [district] and receive services from the *area* [district] or from each other.

(2) Whether [such] cities *and*[,] counties [or any of them] will contract with a private party or parties for the *management* [collection] of *solid waste* [garbage and refuse].

(3) The financial responsibilities and contributions of the respective cities and counties in the joint undertaking.

(4) The extent to which the cities and counties will furnish personnel and administrative services to the *area* [district].

(5) The terms of the contract or agreement: Provided That such contract may be modified from time to time as conditions may warrant and provided one or more additional [cities and] counties desiring to participate in the joint undertaking may be permitted to become parties to the contract [or that any participant may withdraw therefrom on such conditions as shall be agreed to by all participants].

(6) Such other provisions as may be necessary to execute a workable system *for solid waste management* [of collection and disposal] or solely of collection or solely of disposal of *solid waste* [garbage and refuse].

SECTION 10. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

Whenever two (2) or more counties elect to join together for the purposes of solid waste management they may establish and maintain a district. Districts shall have all powers and authority set forth in Section 6 of this Act.

The district shall be controlled and managed by a board of directors consisting of the county judges/executive of every county, or portion of a county, within that district and the mayor of the most populous city in each county. In the instance that a city is incorporated into a district, and the remainder of the county lies within another district, the mayor of said city shall be represented on the board of that district.

Section 11. KRS 109.120 is amended to read as follows:

The board may adopt such rules and regulations as are necessary to carry out the purposes for which the district was created and necessary to the adequate *management* [collection and disposal] of *solid waste* [garbage and refuse]in a manner adequate to protect the public health *and consistent with such rules and regulations as may be promulgated by the department.*

Section 12. KRS 109.150 is amended to read as follows:

The district may acquire by bequest, gift, grant or purchase such real and personal property or any interest therein as may be necessary to accomplish its purposes. Title to all property acquired by the district shall vest solely in the name of the district. With the approval of the department the district may apply for and receive funds made available under federal legislation in the form of grants and loans and for the purpose of improving *solid waste management* [collection systems and disposal methods of garbage and refuse].

Section 13. KRS 109.180 is amended to read as follows:

(1) *Any county or* [The] district may levy an annual tax of not to exceed ten cents (10¢) on each one hundred dollars ($100) of assessed valuation of real property within the *area* [district] subject to taxation for county purposes. The proceeds of such tax shall be used for expenses of the *area* [district] and for redemption of any bonds issued [by the district pursuant to KRS 109.170].

(2) The *county or* district may in lieu of the tax provided in subsection (1) or in addition thereto finance the maintenance, [and] operation *and capital acquisition costs* of the *area* [district] by *fees* [service charges] to be collected from all persons receiving services from the *area* [district]. Such charges shall be fixed in such amounts as can be reasonably expected to yield revenues not in excess of the cost of operation and maintenance of the system and for an adequate depreciation fund *and amortization of capital acquisition costs.*

(3) The service charges authorized by subsections *(1) and* (2) *of this section* may be collected by the *area* [district] directly or the *area* [district] may enter into an agreement with other utilities either public or private *to collect* [where possible on such terms as may be acceptable to both for the collection of] such charges.

SECTION 14. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

This Act shall not apply to garbage and refuse districts established pursuant to KRS Chapter 109 at the time of enactment of this legislation unless such do not comply with the federal resource conservation and recovery act and with the state solid waste management plan.

SECTION 15. KRS 109.010, Definitions; 109.030, Garbage disposal districts establishment by fiscal court and cities; 109.040, Board of directors of garbage disposal district; 109.050, Oath and bond of directors; 109.060, Directors, term of office; 109.070, Plans of Districts Operation; 109.080, Methods of disposal; 109.090, Collection and disposal before plans approved unlawful; 109.095, Discontinuance by petition of majority; 109.100, Engineer and attorney for board—Personnel—Offices; 109.130, Contracts for service outside district, are repealed.

The Committee on State Government reported **SB 173** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 173, AN ACT relating to municipal boundaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 81.160 is amended to read as follows:

(1) Whenever a [second-class] city *other than a city of the first class* desires to annex *all or part of a* [any] city of the second, third, [or] fourth, *fifth or sixth* class, *or unincorporated territory,* the legislative body

of the city proposing to annex shall pass an ordinance or resolution designating the city *or unincorporated territory* proposed to be annexed, declaring it desirable to annex the city *or unincorporated territory* and providing that the question of annexation shall be submitted to the qualified voters of the city *or unincorporated territory* to be annexed at the next regular election. The mayor of the city proposing to annex shall certify the action of the city to the county clerk, who shall have printed on the ballots provided for use in the city *or unincorporated territory* proposed to be annexed, the question: "Are you in favor of annexing to the City of ....."? [Opposite the question shall be printed "Yes" and "No," with squares for stamping the cross mark to indicate preference.] If a majority of those voting on the proposition favor annexation, the city proposing to annex shall pass an ordinance declaring the other city *or unincorporated territory* annexed, and that city *or unincorporated territory* shall then be a part of the annexing city.

(2) A city other than a city of the first class may reduce its boundaries by following the procedure outlined in subsection (1) for annexing territory.

(3) The provisions of this section shall apply in all pending cases in which a city other than a city of the first class has not adopted a final annexation ordinance by the effective date of this Act.

Section 2. KRS 81.170 is amended to read as follows:

(1) Whenever a [second-class] city *other than a city of the first class* annexes another city, the annexing city shall be bound for all the debts and liabilities, and shall be the owner of all corporate property, franchises and rights, of the annexed city. If only a part of another city is annexed, the annexing city shall be liable for that proportion of the debts of the other city which the value of the real estate in the part of the city annexed bears to the value of all the real estate in the city, according to the latest assessment by the property valuation administrator.

(2) Whenever any unincorporated territory or part of a city is annexed by a [second-class] city *other than a city of the first class,* the annexing city shall be liable for any indebtedness that is attached to or exists against the territory or part of a city by reason of the same being then or theretofore a part of any taxing district, and the annexing city shall assume the liability, so that after annexation the burden of taxation shall be uniform throughout the city.

Section 3. KRS 81.270 is amended to read as follows:

[(1) If a judgment of the circuit court is adverse to annexation or reduction by a city of any class, no further attempt to annex or strike off the territory concerned shall be made within two (2) years after rendition of the judgment.

(2)] If a proposal by a city *other than a city* of the first class to annex all or any part of *another* [a smaller] city *or unincorporated territory,* or *to reduce its boundaries* [a proposal by a city of the second class to annex a city of the second, third or fourth class], is rejected by the voters of the city or *territory* [part of city] proposed to be annexed *or stricken,* no further steps to annex *or strike* the same city or *territory* [part of city] shall be taken within five (5) years from the date of rejection, nor shall the question of annexation *or striking off* be again submitted within that period.

Section 4. KRS 81.140, 81.145, 81.150, 81.180, 81.190, 81.200, 81.210, 81.220, 81.230, 81.235, 81.240, 81.250, 81.260 and 81.275 are repealed.

The Committee on Business Organizations and Professions reported **SCR 36** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Consent Calendar.

SCR 36, A CONCURRENT RESOLUTION to study the Model Professional Corporation Act.

WHEREAS, the number of professional service corporations is increasing; and

WHEREAS, the Commonwealth of Kentucky has enacted a Model Business Corporation Act; and

WHEREAS, the Model Professional Corporation Act has been designed as a supplement to the Model Business Corporation Act; and

WHEREAS, it is believed by many persons that uniformity of procedures for the professional corporation is desirable;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. The Legislative Research Commission is directed to study the Model Professional Corporation Act to determine the feasibility and desirability of the enactment of this Act or an adaptation thereof by the

General Assembly of the Commonwealth of Kentucky.

Section 2. That the findings of this study along with any recommendation be reported to the appropriate interim joint committee not later than June 1, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $8,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

The Committee on Health and Welfare reported **HR 125** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 125, A RESOLUTION urging the Department for Human Resources to study the adequacy and reasonableness of the administrative regulations pertaining to personal care homes in the Commonwealth.

WHEREAS, there are many owners and administrators of personal care homes that have serious concerns about the adequacy and reasonableness of Kentucky Administrative Regulations pertaining to personal care homes; and

WHEREAS, personal care homes provide much needed general supervision and protective services for persons who do not need nursing services for assistance in activities of daily living; and

WHEREAS, there may be many "residence homes" that are mistakenly classified as personal care homes, thus, forcing these "residence homes" to unnecessarily conform to regulations which are inappropriate;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Secretary of the Department for Human Resources is urged to study the adequacy, reasonableness and appropriateness of regulations which have been promulgated by the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board that pertain to personal care homes.

Section 2. That a report of the findings along with recommendations of the study be reported to the Interim Joint Committee on Health and Welfare not later than January 1, 1979.

The Committee on Public Utilities and Transportation reported **SB 136** and **SB 266** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 136, AN ACT relating to solid waste demonstration projects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

(1) It shall be the policy of the Commonwealth of Kentucky to encourage and promote the development and demonstration of efficient, environmentally acceptable and commercially feasible technologies, techniques, processes and markets for resource recovery and energy generation from solid waste in Kentucky.

(2) This policy may be implemented by contracts and agreements with the federal government and its agencies and with other organizations, including private industry, and through organizations that may be formed jointly by the state, the federal government or its agencies, and private industry to conduct developmental and demonstration projects in such organizational form or legal entity deemed appropriate by the participants.

(3) This policy may be implemented by the expenditure of state funds for the preliminary engineering and planning, design, construction and operation of developmental and demonstrative projects in Kentucky, including pilot and demonstration plants, and for the acquisition and improvement of land, construction of roads, and provision of other public facilities incidental and necessary to the accomplishment of developmental and demonstrative projects in Kentucky; provided that the expenditure of state funds for the construction and operation of projects shall be limited to projects for which funds of the federal government have also been committed by grant, loan or other contractual agreement with the Commonwealth, or one or more of its political subdivisions, or one or more corporations doing business in the Commonwealth of Kentucky.

(4) This policy may be implemented by the sale or lease of state property or property rights to organizations engaged in developmental and demonstrative projects in Kentucky, either for a fair and reasonable consideration or solely or partly as all or a portion of the state's participation in developmental and demonstrative projects.

(5) This policy may be implemented by acquisition, by purchase, or by option to purchase and if the Commonwealth is unable to contract or agree with the owner after a good faith effort to do so, by the exercise of eminent domain the fee simple title to, or any acceptable lesser interest in such lands, rights of way, franchises, or easements, including submerged lands and riparian rights that are necessary for the construction, use or operation of any authorized demonstration project or projects and for the construction and operation of a line of railroad, truck road, overhead conveyor, or other transportation facilities together with the necessary rights of ingress and egress to construct, examine, alter, repair, maintain, operate, or remove such transportation facilities. The proceedings for condemnation shall be as provided in KRS 416.410 to 416.530.

(6) This policy may be implemented by contracts and agreements for the Commonwealth to purchase all or a portion of the usable output of developmental and demonstration projects, either for a fair and reasonable consideration or solely or partly as all or a portion of the state's participation in developmental and demonstrative projects, and to dispose of this output by use in state facilities or by resale at fair market value.

SECTION 2. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

The administrator of the Kentucky center for energy research with the approval of the governor, may execute contracts to design, construct, or operate development or demonstration projects.

SECTION 3. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

The general assembly recognizes that the chance of failure as well as the promise of success affects the developmental and demonstration projects for which state support and joint participation is herein authorized. The liability of the Commonwealth in such projects shall be limited to the express provisions of the contracts and agreements herein authorized, and the Commonwealth's claims against other participants in projects herein authorized shall also be limited to the expressed provisions of such contracts and agreements.

SECTION 4. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

The general assembly recognizes that although the purpose of this Act is to promote and encourage the development and demonstration of commercially feasible and environmentally acceptable technologies, techniques, and processes, state funds shall not be used directly to assist private industry in production for profit. Therefore, the Commonwealth shall not provide further support of or participation in any project if and when the environmentally acceptable output of the project can be sold or otherwise used to yield a profit to the project. In such event, or in the event of abandonment or termination of a project, the administrator, Kentucky center for energy research, shall negotiate terms and conditions in an agreement or contract of participation which:

(1) Shall provide for the repayment to the Commonwealth of all funds held and moneys realized from the sale or liquidation of the assets of the joint demonstration project in the same proportion as the Commonwealth's share in the total of funds, property, or other assets expended, contributed, or invested in the project; and

(2) May provide for the preemptive right of any or all of the other participants in the project to purchase the Commonwealth's share of any assets, lands, or property rights acquired or constructed by the joint participants.

SECTION 5. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

To be eligible for assistance under this Act, projects must:

(1) Conform with the state plan for solid waste management;

(2) Be consistent with a regionalized approach to solid waste management and designate the area to be affected initially and potentially by the project;

(3) Designate specific project responsibilities at the state, district and local level;

(4) Demonstrate that private industry would not otherwise develop and demonstrate such a project in a timely fashion;

(5) Show that adequate research has preceded the application by including at least the following information:

(a) Methods for waste collection, storage, processing and residue disposal;

(b) Consideration of alternative small-scale, low-level technology;

(c) Letters of intent from potential purchasers of recovered materials and energy generated;

(d) Potential for eventual self-sufficiency in project operation.

(6) Show that there is substantial support for the proposal by including at least the following information:

(a) Steps which have been taken to guarantee the waste stream;

(b) Steps which have been taken to enact long-term contracts for sale of recovered products and energy generated, and for the supply of waste products;

(c) Sources of other committed funds;

(7) Conform to other requirements set down by regulations issued by the center for energy research.

SECTION 6. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

(1) The secretary for finance and administration in consultation with the administrator of the Kentucky center for energy research and other appropriate agencies, shall attempt to implement by January 1, 1979, a pilot project in state government to recycle used ledger-grade paper, produced by one or more agencies of state government, as a trial program for the Commonwealth and shall report to the legislative research commission by July 1, 1979, on the effectiveness and viability of the program and make recommendations for a state-wide program if appropriate.

(2) The administrator of the Kentucky center for energy research shall take or cause to be taken such actions as may be necessary to:

(a) Identify the geographical location of existing or potential markets for recovered materials and energy generated;

(b) Identify the economic and technical barriers to the use of recovered materials and energy generated;

(c) Identify sound technologies, techniques, and processes for resource recovery and energy generated applicable to both urban and rural areas of Kentucky;

(d) Encourage the development of new uses for recovered materials;

(e) Encourage and promote the development of new markets for recovered materials; and

(f) A summary of the findings and actions taken and any recommendations resulting therefrom shall be transmitted to the governor and to the 1980 general assembly.

SB 266, AN ACT relating to compensation of board members.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 96.750 is amended to read as follows:

(1) The salary of each member of a board of public utilities may be fixed by the board *at not exceeding $1,200 per annum* [as follows:

(a) For each member of a board controlling a plant which furnishes electric service to a city of the first class, at not exceeding $1,500 per annum;

(b) For each member of a board controlling a plant which furnishes electric service to a city of the second class, at not exceeding $1,000 per annum;

(c) For each member of a board controlling a plant which furnishes electric service to a city of the third class, at not exceeding $750 per annum; and

(d) For each member of any other board, at not exceeding $300 per annum].

(2) Such salaries, as well as the salary of the secretary-treasurer, shall constitute a cost of operation and maintenance of the electric plant.

(3) The governing body of the municipality may, by resolution or ordinance, provide that the municipality shall not be liable for the payment of any salary or compensation of any of the members of said board, or for the payment of the salary or compensation or expenses of any person employed by said board, and that such salaries, compensation and expenses and any and all liabilities, of whatever kind or character incurred by the board or any officer or employe thereof, shall be payable solely and only out of revenues obtained by said board under the provisions of KRS 96.550 to 96.900, and said liabilities shall then be so limited.

Section 2. KRS 96.173 is amended to read as follows:

(1) The salary of each member of the board shall be fixed by the board, and shall not exceed one thousand *two hundred* dollars *($1,200)* [($1,000)] per annum.

(2) Such salaries, as well as the salary of the secretary-treasurer of such board, shall constitute a cost of operation and maintenance of the plant.

(3) The municipality shall not be liable for the payment of any salary or compensation of any of the members of said board, or for the payment of the salary or compensation or expenses of any person employed by said board, and all such salaries, compensation and expenses and any and all liabilities, of whatever kind or character incurred by the board or any officer or employe thereof, shall be payable solely and only out of the revenues obtained by said board under the provisions of KRS 96.171 to 96.188, and said liabilities shall be so limited.

Section 3. KRS 96.530 is amended to read as follows:

(1) Any city acquiring or constructing an electric light, heat and power plant under the provisions of KRS 96.520 shall, by ordinance, appoint a city utility commission consisting of three (3) commissioners to operate, manage and control the plant, except that a city of the second class shall appoint five (5) commissioners. The utility commission shall have absolute control of the plant in every respect, including its operation and fiscal management and the regulation of rates, except that in fixing rates the commission shall be governed by the provisions of KRS 96.430, as it is made applicable to such plants by KRS 96.520, and by any ordinance enacted under that section (except that in fixing rates the commission in a city of the second or third class shall be governed by the provisions of KRS 96.535 and any ordinance enacted thereunder). The utility commission, when so appointed, shall be and hereby is declared to be a public body politic and corporate, with perpetual succession; and said body may contract and be contracted with, sue and be sued, in and by its corporate name, and have and use a corporate seal. The utility commission shall provide rules for the management of the plant, and it shall fix the number, qualifications, pay, and terms of employment of all employes needed to operate the plant. In cities of the second or third class providing civil service coverage for city employes the utility commission appointed under this section shall provide such civil service coverage for all of its employes and it shall exercise the powers and functions with respect to such employes which are vested in the city legislative body with respect to the city employes by KRS 90.380. Employes who have been in the employment of the utility commission for one (1) year immediately preceding the adoption of an order by the utility commission placing all of its employes under civil service coverage shall not be required to stand a civil service examination and they shall be eligible for all the benefits provided by such civil service coverage. Out of the revenue of the plant it shall pay operating expenses, repairs and necessary additions and provide sufficient reserve fund against any emergency that may arise. The commission shall from time to time pay to the city the surplus revenue derived from the operation of the plant as is provided in KRS 96.430 and 96.440, as they are made applicable to such plants by KRS 96.520 (except that the commission in a city of the second or third class shall pay to the city the surplus revenue derived from the operation of the plant as is provided in KRS 96.535 and any ordinance adopted thereunder). Notwithstanding the foregoing provisions the utility commission, for the purpose stated in subsection (1) of KRS 96.520, may enter into an agreement for the operation of any of its plants or other facilities.

(2) Except as provided in KRS 61.070, no person shall be appointed a member of the commission who has, within the last two (2) years before his appointment, held any city, county, state or federal office, or been a member of any committee of any political party, or who is related within the third degree to the mayor or a member of a city legislative body. The commission shall not appoint to any subordinate office that it may create any person who is related to any commissioner, to the mayor or to any member of the city legislative body. No officer or employe of the city, whether holding a paid or unpaid office, shall be eligible to be appointed as a member of said commission or to be employed by the commission in any capacity. The members of the commission shall be citizens, taxpayers, and legal voters of the city and shall not at the time of appointment be indebted to the city or be surety on the official bond of any officer of the city. If at any time during his term of office any member of the commission becomes a candidate for or is elected or appointed to any public office he shall automatically vacate his membership on the commission and another person shall be appointed in his place.

(3) The city shall pay the cost of securing bonds for the commissioners from a surety company, and each commissioner shall execute bond to be approved by the city legislative body.

(4) The city legislative body shall fix the salary to be paid each member of the commission at a sum not to exceed *one thousand two hundred* [three hundred] dollars *($1,200)* [($300)] per annum.

(5) The first commissioners appointed under this section shall be appointed one (1) for the term of one (1) year, one (1) for the term of two (2) years and one (1) for the term of three (3) years. Upon the expiration of the first terms, successors shall be appointed for a term of three (3) years. On a commission with five (5) members, not more than two (2) members shall hold concurrent terms of office.

Orders of the Day (continued)

SB 252, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the first time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative LeMaster moved the adoption of the Committee Substitute to **SB 252.**

On the roll call the vote was yeas 53-J. Allen, Bendl, Bennett, Benson, Beshear, Boatwright, Brinkley, Burch, Carpenter, Clapp, Clarke, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Holbrook, Isler, Jones, Kenton, Kleier, LeMaster, Little, Mann, McBee, McNutt, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, Wilborn, Yates. Nays 20-W. Allen, Blythe, Boswell, Bruce, Burnette, Davenport, DeFalaise, DeMarcus, Guenthner, Haering, Imes, Marcum, McKinney, Patrick, Pearman, Plummer, Rattliff, Schmidt, R. Smith, Wright.

The Committee Substitute to **SB 252** was adopted.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

Representative Donnermeyer moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute to **SB 252:**

Amend printed copy of Committee Substitute to **SB 252,** page 6, by inserting after line 26 the following language:

"Section 4. KRS 528.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Advancing gambling activity" — A person "advances gambling activity" when, acting other than as a player, he engages in conduct that materially aids any form of gambling activity. Such conduct includes but is not limited to conduct directed toward the establishment of the particular game, contest, scheme, device or activity involved; toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor; toward the solicitation or inducement of persons to participate therein; toward the actual conduct of the playing phases thereof; toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person who gambles at a social game of chance on equal terms with other participants does not otherwise advance gambling activity by performing acts, without remuneration or fee, directed toward the arrangement or facilitation of the game as inviting persons to play, permitting the use of premises therefor and supplying equipment used therein.

(2) "Bookmaking" means advancing gambling activity by unlawfully accepting bets upon the outcome of future contingent events from members of the public as a business.

(3) "Gambling" means staking or risking something of value upon the outcome of a contest, game, gaming scheme or gaming device which is based upon an element of chance, in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome.

(4) "Gambling device" means:

(a) Any so-called slot machine or any other machine or mechanical device an essential part of which is a drum or reel with insignia thereon, and which when operated may deliver, as a result of the application of an element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or

(b) Any other machine or any mechanical or other device (including but not limited to roulette wheels, gambling tables and similar devices) designed and manufactured primarily for use in connection with gambling and which when operated may deliver, as the result of the application of an element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property.

(c) But, the following are not to be considered gambling devices within this definition:

1. Devices dispensing or selling combination or French pools on licensed, regular racetracks during races on said tracks.

2. Electro-mechanical pinball machines specially designed, constructed, set up and kept to be played for amusement only; provided any such pinball machine shall be made to receive and react *only* to the deposit of *coins* [one five or ten cent coin] and no more during the course of a game; provided the ultimate and only award given directly or indirectly to any player for the attainment of a winning score or combination on any such pinball machine shall be the right to play one or more additional games immediately on the same device at no further cost; provided the maximum number of free games that can be won, registered, or accumulated at one time in operation of any such pinball machine shall not exceed thirty free games; provided any such pinball machine shall be made to discharge accumulated free games only by reactivating the playing mechanism once for each game released; and provided any such pinball machine shall be made and kept with no meter or system to preserve a record of free games played, awarded or discharged. Nonetheless, a pinball machine shall be a gambling device if a person gives or promises to give money, tokens, merchandise, premiums or property of any kind for scores, combinations or free games obtained in playing such pinball machine in which such person has an interest as owner, operator, keeper or otherwise.

(5) "Lottery and gift enterprise" means:

(a) A gambling scheme in which:

1. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other media, one or more of which are to be designated the winning ones; and

2. The winning chances are to be determined by a drawing or by some other method based upon the element of chance; and

3. The holders of the winning chances are to receive something of value.

(b) A gift enterprise or referral sales plan which meets the elements of a lottery listed in subsection (5)(a) is to be considered a lottery under this chapter.

(6) "Mutuel" or "the numbers games" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome or outcomes of a future contingent event or events otherwise unrelated to the particular scheme.

(7) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who engages in "bookmaking" as defined in subsection (2) is not a "player." The status of a "player" shall be a defense to any prosecution under this chapter.

(8) "Profiting from gambling activity" — A person "profits from gambling activity" when, other than as a player, he accepts or receives or agrees to accept or receive money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity.

(9) "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge."

Agreed.

Representative LeMaster moved the adoption of the following Floor Amendment No. 2 to the Committee Substitute to **SB 252:**

Amend printed copy of House Committee Substitute for **SB 252,** page 6, after line 26, by adding the following:

"Section 4. Whereas there is currently no prohibition against the actions prohibited by Section 3 of this Act, and whereas such actions would be detrimental to the public, an emergency is declared to exist and Section 3 of this Act shall become effective upon its passage and approval by the Governor."

Agreed.

Representative Siemens moved the adoption of the following Floor Amendment No. 4 to the Committee Substitute to **SB 252:**

Amend printed copy of House Committee Substitute of **SB 252,** page 7, following line 2, by adding the following:

"Section 2. KRS 24A.110 is amended to read as follows:

(1) The district court shall have exclusive jurisdiction to make final disposition of all criminal matters, including violations of county, urban-county, or city ordinances or codes, except:

(a) Offenses denominated by statute as felonies or capital offenses; and

(b) Offenses punishable by death or imprisonment in the penitentiary.

(2) The district court has exclusive jurisdiction to make a final disposition of any charge or a public offense denominated as a misdemeanor or violation, except where the charge is joined with an indictment for a felony *and except that an indictment for a charge or public offense denominated as a misdemeanor may be heard in the circuit court at the discretion of the grant jury,* and all violations of county, urban-county, or city ordinances and, prior to trial, to commit the defendant to jail or hold him to bail or other form of pretrial release.

(3) The district court has, concurrent with circuit court, jurisdiction to examine any charge of a public offense denominated as a felony or capital offense or which may be punished by death or imprisonment in the penitentiary and to commit the defendant to jail or hold him to bail or other form of pretrial release.

(4) The district court may, upon motion and for good cause shown, reduce a charge of a felony to a misdemeanor in accordance with the Rules of Criminal Procedure."

On the roll call the vote was yeas 41-W. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Burch, Burnette, Dawahare, DeFalaise, Dietz, Dunn, Fitzgerald, Foster, Guenthner, Haering, Hines, Holloway, Hurst, Isler, Johnson, Jones, Kidd, Kleier, Maynard, Nett, Pearman, Priddy, Richards, Riner, Romines, Sale, Schmidt, Siemens, Stone, Weinberg, White, Williams, Wright, Yates. Nays 46-Adams, J. Allen, Arnold, Beshear, Boatwright, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeMarcus, Guy, Hancock, Head, Imes, Kenton, Layman, List, Little, Marcum, May, McBee, McKinney, McNutt, Morris, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Rattliff, B. Richardson, P. Richardson, Robinson, F. Smith, R. Smith, Stewart, Tobin, Trevey, Van Horn.

The Floor Amendment No. 4 to the Committee Substitute to **SB 252** was rejected.

Representative LeMaster moved that **SB 252,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 74-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boswell, Brown, Burch, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, Marnard, McBee, Nett, Noe, O'Brien, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 11-Brinkley, Bruce, Davenport, DeMarcus, Layman, McKinney, Overstreet, Patrick, Pearman, Rattliff, Riner.

SB 252, by way of Committee Substitute as amended, was passed.

Representative LeMaster moved the adoption of the Committee Title Amendment to **SB 252.** Agreed.

Representative LeMaster moved that the vote by which **SB 252,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 245, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Isler moved that **SB 245** be laid on the Clerk's desk. Rejected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 245.** Agreed.

Representative Overstreet moved that **SB 245,** as amended, be laid on the Clerk's desk. Agreed.

SB 259 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage.

Representative Fitzgerald moved that **SB 259** be passed.

On the roll call the vote was yeas 86-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays o.

SB 259 was passed and the title agreed to.

Representative Fitzgerald moved that the vote by which **SB 259** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 340 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Weinberg moved the adoption of the Floor Amendment No. 1 to **SB 340:**

Amend printed copy of **SB 340,** page 7, line 20, by inserting after the word "government." the following: "The final decision to either approve or disapprove any project proposal shall be made no later than forty-five (45) days following official submittal by the area development district, and the area development district shall be accordingly notified at that time, with written reasons for disapproval."

Agreed.

Representative Fitzgerald moved that **SB 340,** as amended, be passed.

On the roll call the vote was yeas 93-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright. Nays 0.

SB 340, as amended, was passed and the title agreed to.

Representative Fitzgerald moved that the vote by which **SB 340,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Patrick moved that the rules be suspended to consider the Senate Amendments to **HJR 20.**

The Chair ruled the motion out of order.

SB 337 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hines moved the adoption of the following Floor Amendment No. 1 to **SB 337:**

Amend printed copy of **SB 337,** page 10, after line 7, by adding the following:

"Section 4. KRS 164.820 is amended to read as follows:

(1) The government of the University of Louisville is vested in a board of trustees consisting of ten competent citizens of Kentucky appointed by the governor; one [non-voting] member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; *a member of the permanent staff of the University of Louisville who shall be the chief executive of the staff senate;* and a student member who shall be the president of the student body; however, if the student body president is not a full-time student who maintains permanent residency in the commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this commonwealth as the student member. The faculty member, *staff member* and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring by reason of such termination shall be filled for the remainder of the respective terms in the same manner. The ten citizen members of the board shall annually elect one of

their number to serve as chairman of the board.

(2) To facilitate transition of the University of Louisville to full status as a state institution, terms of members of the board of trustees in office on July 1, 1970, shall be terminated as of that date or as of the date their successors are appointed and qualify, and their successors shall be appointed by the governor according to the following schedule:

(a) Two (2) for one (1) year terms, one (1) of which shall be from a list of three (3) names submitted by the mayor of the city of the first class;

(b) Two (2) for two (2) year terms, one (1) of which shall be an alumnus or alumna of the university, selected from a list of three (3) names submitted by the alumni of the University in such manner and according to rules prescribed by the board of trustees;

(c) Three (3) for three (3) year terms, one (1) of which shall be from a list of three (3) names submitted by the mayor of the city of the first class;

(d) Three (3) for four (4) year terms, one (1) of which shall be from a list of three (3) names submitted by the county judge/executive of the county in which the city of the first class is located.

(3) At the expiration of the respective terms of the citizen members of the board of trustees as prescribed in subsection (2) of this section, successors shall be appointed by the governor for terms of four (4) years each, and in making such appointments the governor shall observe the requirements relating to nominations by the mayor of the city of the first class, the county judge/executive of the county in which the city is located, and the alumni members. Subject to such requirements the governor shall make his appointments from the state at large so as to divide the *citizen* representation upon the board as nearly equally as possible between the two (2) leading political parties in this state.

(4) Vacancies among the citizen members of the board occurring by death, resignation, removal of residence from the commonwealth of any other cause shall be filled by appointments made by the governor for the expiration of the term, subject to the qualifications set forth in subsection (3) of this section.

(5) No member of the board of trustees or of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty and student members.

(6) Subsection (2) of KRS 63.080 is hereby expressly made applicable to members of the board of trustees of the University of Louisville."

The Chair ruled the motion out of order, since Floor Amendment No. 1 was not germane to the bill.

Representatives Hines and Lindsay appealed the ruling of the Chair.

Speaker Pro Tempore Clapp vacated the Chair.

The Speaker assumed the Chair.

On the roll call the vote was yeas 56-Adams, J. Allen, Arnold, Bennett, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dawahare, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Head, Hurst, Imes, Isler, Kenton, LeMaster, List, Little, Mann, McBee, McKinney, McNutt, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, F. Smith, R. Smith, Stone, Tobin, Trevey, Van Horn, Wells, White, Yates. Nays 19-W. Allen, Bendl, Davenport, DeMarcus, Deskins, Guenthner, Haering, Hines, Holloway, Kidd, Layman, Lindsay, Marcum, Patrick, Plummer, Weinberg, Wilborn, Williams, Worthington.

The ruling of the Chair was upheld.

Speaker Pro Tempore Clapp resumed the Chair.

Representative B. Richardson moved that **SB 337** be passed.

On the roll call the vote was yeas 74-Adams, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McKinney, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 7-J. Allen, Davenport, DeMarcus, Fitzgerald, Layman, Plummer, Van Horn.

SB 337 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 337** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 279, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBee moved the adoption of the Committee Amendment No. 1 to **SB 279.** Agreed.

Representative Overstreet moved the adoption of the following Floor Amendment No. 1 to **SB 279:**

Amend printed copy of **SB 279,** page 1, line 17, by inserting brackets around the word "and" and substituting therein the word "*or*".

Representative DeFalaise moved that the rules be suspended to concur in the Senate Amendment to **HJR 20.**

The Chair ruled the motion out of order.

On the roll call the vote was yeas 28-W. Allen, Blythe, Brown, Dawahare, DeFalaise, Deskins, Guenthner, Haering, Head, Holbrook, Isler, Johnson, Layman, Little, Marcum, Maynard, McKinney, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Romines, F. Smith, R. Smith, Trevey, Wright. Nays 53-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dietz, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Holloway, Hurst, Imes, Kenton, LeMaster, Lindsay, Mann, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Richards, B. Richardson, P. Richardson, Riner, Sale, Siemens, Stone, Tobin, Van Horn, Weinberg, Wells, Wilborn, Williams, Yates.

Floor Amendment No. 1 to **SB 279** was rejected.

Representative B. Richardson moved that **SB 279,** as amended, be passed.

On the roll call the vote was yeas 87-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 1-Trevey.

SB 279, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 279,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **HB 186, HB 239, HB 299, HB 319, HB 345, HB 359, HB 383, HB 540, HB 470, HB 579, HCR 29.**

Orders of the Day (continued)

HR 46 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved that **HR 46** be adopted.

HR 46 was adopted by voice vote.

SCR 42 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved that **SCR 42** be adopted.

On the roll call the vote was yeas 50-J. Allen, Bendl, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Burch, Craddock, Crupper, Cyrus, DeMarcus, Deskins, Dietz, Dunn, Fitzgerald, Hancock, Head, Hines, Holbrook, Isler, Johnson, Kidd, Kleier, Layman, LeMaster, List, Little, Mann,McBee, Nett, O'Brien, Petty, Priddy, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, Stone, Thomas, Tobin, Wells, White, Wilborn, Worthington. Nays 24-Adams, W. Allen, Arnold, Bruce, Clarke, Davenport, DeFalaise, Donnermeyer, Foster, Gray, Guenthner, Guy, Holloway, Hurst, Lindsay, Marcum, McNutt, Noe, Overstreet, Pearman, Rattliff, Richards, R. Smith, Van Horn.

SCR 42 was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **SCR 42** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

SB 331 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wilborn moved that **SB 331** be passed.

On the roll call the vote was yeas 82-Adams, J. Allen, W. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Blythe, Boswell, Brown, Bruce, Burch, Clapp, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

SB 331 was passed and the title agreed to.

Representative Wilborn moved that the vote by which **SB 331** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

Representative B. Richardson moved that the rules be suspended for the purpose of waiving the posting requirement on **SB 204.** Agreed.

The Speaker Pro Tempore vacated the Chair.

The Speaker assumed the Chair.

Representative Deskins moved that the rules be suspended to reconsider **SB 102.** Agreed.

Representative Deskins moved that the clincher motion on **SB 102** be removed. Agreed.

Representative Deskins moved that the vote by which **SB 102** was defeated be reconsidered and that it be placed in Orders of the Day.

On the roll call the vote was yeas 66-J. Allen, W. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Brinkley, Bruce, Burch, Clarke, Craddock, Crupper, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Hancock, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kleier, Layman, LeMaster, Little, Mann, Marcum, May, Maynard, McBee, Not, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wilborn, Williams. Nays 7-Boswell, Haering, Hines, Holbrook, Kidd, Nett, Worthington.

The motion that the vote on **SB 102** be reconsidered and that it be placed in Orders of the Day was adopted.

Representative Guenthner moved that the Floor Amendments filed by him to **HR 128** be withdrawn. Agreed.

Representative Burch moved that the vote on **SB 257** be reconsidered and that it be placed in Orders of the Day.

On the roll call the vote was yeas 57-Adams, J. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hurst, Imes, Jones, Kenton, Kidd, Kleier, LeMaster, Little, Mann, Maynard, McBee, McKinney, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Siemens, F. Smith, Stewart, Thomas, Tobin, Wells, White, Williams, Worthington, Yates. Nays 31-W. Allen, Brinkley, Burnette, Davenport, Dawahare, DeMarcus, Guenthner, Haering, Head, Hines, Holbrook, Holloway, Isler, Johnson, Layman, Marcum, Nett, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Schmidt, R. Smith, Stone, Trevey, Van Horn, Weinberg, Wilborn, Wright.

The motion that the vote on **SB 257** be reconsidered and that it be placed in Orders of the Day was adopted.

Representative Imes moved that **SB 222** be taken from the Clerk's desk and placed in Orders of the Day.

On the roll call the vote was yeas 58-Adams, J. Allen, W. Allen, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Bruce, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Fitzgerald, Foster, Gray, Guy, Haering, Hines, Holbrook, Hurst, Imes, Johnson, Layman, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Riner, Romines, Sale, Schmidt, F. Smith, Stone, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Wright. Nays 20-Burnette, Clapp, Craddock, Crupper, Donnermeyer, Dunn, Guenthner, Hancock, Head, Holloway, Isler, Kenton, LeMaster, McNutt, Richards, B. Richardson, P. Richardson, Thomas, Wells, Yates.

The motion that **SB 222** be taken from the Clerk's desk and placed in Orders of the Day was adopted.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker Pro Tempore resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative Imes moved that the posting requirement on **SB 59** be removed. Agreed.

Recess

Representative B. Richardson moved that the House recess for three minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative B. Richardson moved that **HJR 20** with Senate Amendment attached thereto be made the first order of business on Thursday, March 16, 1978 in Orders of the Day.

On the roll call the vote was yeas 58-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Foster, Gray, Guenthner, Guy, Haering, Head, Holbrook, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Layman, Lindsay, Little, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Plummer, Rattliff, Richards, B. Richardson, Robinson, Romines, Schmidt, F. Smith, R. Smith, Stewart, Stone, Weinberg, Wright. Nays 18-Bendl, Beshear, Blythe, Clarke, Craddock, Crupper, Fitzgerald, Hancock, Hines, LeMaster, Mann, McBee, McNutt, Petty, P. Richardson, Tobin, Van Horn, Williams.

The motion that **HJR 20** with Senate Amendment attached thereto, be made the first Order of the Day on Thursday, March 16, 1978 was adopted.

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so until 10:30 a.m., Wednesday, March 15, 1978. Agreed.

Representative B.Richardson moved that when the House adjourns today, it do so by voice vote. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 186, HB 239, HB 299, HB 319, HB 345**, **HB 359, HB 383, HB 470, HB 540, HB 579, HCR 29, SB 155, SB 175, SB 191, SB 214, SB 256, SB 291, SB 307, SB 308, SB 339,** and **SB 350** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Motions, Petitions and Communications

Representative DeMarcus moved that the rules be suspended to act on the following **HR 134:**

HR 134, A RESOLUTION to adjourn the House of Representatives on this day in honor of the Lil Kentucky Colonels Cloggers square dance team.

WHEREAS, the Lil Kentucky Colonels Cloggers were able to display their superb talent by outperforming twenty-one (21) highly competent teams representing twelve (12) states in the Grand World Square Dance Championship; and

WHEREAS, the Lil Kentucky Colonels Cloggers have established a truly memorable feat by being the youngest group of square dancers ever to win the world championship; and

WHEREAS, the Lil Kentucky Colonels Cloggers have brought honor and fame to both Irvine and all of Kentucky by winning the Grand World Square Dance Championship recently held in Fontana, North Carolina; and

WHEREAS, the Lil Kentucky Colonels Cloggers have greatly contributed to both the cultural and civic fiber of our society;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day, it does so in honor of the Lil Kentucky Colonels Cloggers.

Section 2. That the Clerk be directed to transmit a copy of this resolution to the Lil Kentucky Colonels Cloggers.

Agreed.

Representative DeMarcus moved the adoption of **HR 134.**

HR 134 was adopted by voice vote.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors of Bills and Resolutions. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members requested to have their names added as co-sponsors to Bills and Resolutions: Representative Maynard, **HB 691**; Representative Priddy, **HB 346, HB 347, HB 380.**

Representative McBee requested that he be recorded as voting "yea" on **HB 168.** Agreed.

Representative Riner requested that she be recorded as voting "nay" on **SB 175.** Agreed.

Representative Fitzgerald requested that he be recorded as voting "yea" on **SB 175.** Agreed.

Representative Morris requested that he be recorded as voting "yea" on **HB 643.** Agreed.

Representative Deskins requested that he be recorded as voting "yea" on **HB 8.** Agreed.

Representative Deskins requested that he be recorded as voting "nay" on **HB 331.** Agreed.

Representative B. Richardson moved that the rules be suspended for Introduction of Bills and Resolutions and Report of Committees. Agreed.

Introduction of Bills and Resolutions

HR 131, by Representative Bendl: A RESOLUTION relating to public records and reports of the Kentucky department for human resources.

HR 132, by Representative B. Richardson: A RESOLUTION amending Rule 50 of the Rules of the House of Representatives.

HR 133, by Represntative Kleier: A RESOLUTION urging the Legislative Research Commission to study the foster care program in Kentucky and the need for a Kentucky advisory board for foster care.

HR 134, by Representatives McKinney and DeMarcus: A RESOLUTION to adjourn the House of Representatives on this day in honor of the Lil Kentucky Colonels Cloggers square dance team.

Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

At the appointed hour, Representative Clapp resumed the Chair and called the House to order.

Representative B. Richardson moved that the rules be suspended for Reference of Bills and Resolutions, Posting of Bills and Resolutions and Report of Committees. Agreed.

Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **SB 234.**

Business Organizations and Professions: **SB 354.**

Cities: **SB 192.**

Counties and Special Districts: **SB 355.**

Education: **SB 357.**

Health and Welfare: **HR 130, SB 345, SR 48.**

Judiciary-Courts: **SB 363.**

Judiciary-Statutes: **SB 265, SB 323.**

State Government: **HR 129, SB 139, SB 241.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

State Government: **SB 59.**

Report of Committees

The Committee on Business Organizations and Professions reported **SB 204** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 204, AN ACT relating to unclaimed pari-mutuel tickets of thoroughbred race meetings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 230.340 is amended to read as follows:

(1) The commission shall adopt rules governing and regulating mutuel wagering on thoroughbred races and Appaloosa races at a thoroughbred race meeting under what is known as the pari-mutuel system of wagering. Such wagering shall be conducted only by a person licensed under KRS 230.210 to 230.360 to conduct a thoroughbred race meeting and only upon the licensed premises and on the dates and hours for which racing has been authorized by the commission. The pari-mutuel system of wagering shall be operated only by a totalizator or other mechanical equipment approved by the commission. The commission shall not require any particular make of equipment.

(2) In no event shall the operation of a pari-mutuel system for betting where authorized by law constitute grounds for the revocation or suspension of any license issued and held under KRS 230.350.

(3) All reported but unclaimed pari-mutuel winning tickets held in this state by any person or association operating a pari-mutuel or similar system of betting at thoroughbred race meetings shall be presumed abandoned [within the meaning of KRS chapter 393,] if not claimed by the person entitled thereto within two (2) years from the time the ticket became payable.

SECTION 2. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

Beginning July 1, 1978, any person holding unclaimed pari-mutuel winning tickets presumed abandoned under the provisions of KRS 230.340 shall file annually, on or before September 1 of each year, with the office of the commission a list of and the amounts represented by unclaimed pari-mutuel tickets held by such person as of July 1, and such other information as the commission may require for the administration of this Act. The report shall be made in duplicate; the original shall be retained by the commission and the copy shall be mailed to the sheriff of the county where the unclaimed pari-mutuel tickets are held. It shall be the duty of the sheriff to post for not less than twenty (20) consecutive days said copy on the courthouse door or the courthouse bulletin board, and to publish said copy in the manner set forth by KRS Chapter 424. The cost of the publication shall be paid by the commission. The sheriff shall immediately certify in writing to the commission the dates when the list was posted and published. The list shall be posted and published as required on or before October 1 of the year when it is made, and such posting and publishing shall be constructive notice to all holders of pari-mutuel tickets which have remained unclaimed for a period of two (2) years form the time the ticket became payable.

SECTION 3. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

Any person who has made a report of unclaimed pari-mutuel tickets to the commission as required by this Act, shall between November 1 and November 15 of each year, turn over to the commission the sum represented by the unclaimed pari-mutuel tickets so reported; but if the person making the report or the owner of the unclaimed pari-mutuel ticket certifies to the commission by sworn statement that any or all of the statutory conditions necessary to create a presumption of abandonment no longer exists or never did exist, or shall certify existence of any fact or circumstance in which there is substantial evidence to rebut such presumption, then, the person reporting the unclaimed pari-mutuel tickets or holding the sum represented by the unclaimed pari-mutuel tickets as reported shall not be required to turn over said sum to the commission except upon order of court. If the holder of any unclaimed pari-mutuel ticket files an action in court claiming the sum which has been reported under the provisions of this Act, the person reporting or holding the sum represented by said unclaimed pari-mutuel ticket shall be under no duty while any such action is pending to turn over said sum to the commission, but shall have the duty of notifying the commission of the pendency of such action.

SECTION 4. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
Any person holding an unclaimed pari-mutuel ticket or any person holding the sum represented by an unclaimed pari-mutuel ticket, or any claimant thereto shall have the right to a judicial determination of his rights under this Act and nothing therein shall be construed otherwise; and the commission may institute an action to recover the sum represented by the unclaimed pari-mutuel tickets which are presumed abandoned whether said sum has been reported or not and may include in one petition the sum represented by all the unclaimed pari-mutuel tickets as defined herein within the jurisdiction of the court in which the action is brought.

SECTION 5. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
Any person who pays the sum represented by the unclaimed pari-mutuel tickets to the commission under this Act is relieved of all liability for the value of said unclaimed pari-mutuel tickets for any claim made in respect of said unclaimed pari-mutuel tickets.

SECTION 6. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
Any person claiming an interest in any unclaimed pari-mutuel ticket which has been paid or surrendered to the commission in accordance with this Act may file his claim to it at any time after it was paid to the commission.

SECTION 7. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
The commission shall consider any claim or defense permitted to be filed before the commission and hear the evidence concerning it. If the claimant establishes his claim, the commission shall, when the time for appeal or other legal procedure has expired, authorize payment to him of a sum equal to the amount of his claim paid to the commission in accordance with this Act. The decision shall be in writing and shall state the substance of the evidence heard by the commission, if a transcript is not kept. The decision shall be a matter of public record.

SECTION 8. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
Any person dissatisfied with the decision of the commission in this regard may appeal to the Franklin Circuit Court in accordance with the provisions of KRS 243.560 to 243.590.

SECTION 9. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
The commission, through its employes, may examine all records of any person where there is reason to believe that there has been or is a failure to report unclaimed pari-mutuel tickets.

SECTION 10. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
The commission may promulgate any reasonable and necessary rules for the enforcement of these provisions and hearings held before it.

SECTION 11. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
The commission may require the production of reports or the surrender of sums represented by unclaimed pari-mutuel tickets as provided in this Act by civil equity action, including, but not limited to, an action in the nature of a bill of discovery, in which case the defendant shall pay a penalty equal to ten percent (10%) of all amounts that he is ultimately required to surrender. The commission shall follow the procedures provided by the Rules of Civil Procedure.

SECTION 12. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
Any payments made to any persons claiming an interest in an unclaimed pari-mutuel ticket, and any necessary expense including, but not limited to, administrative costs, advertising cost, court costs and

attorney's fees, required to be paid by the commission in administering or enforcing the provisions of this Act shall be deducted from sums received by the commission prior to payment to the Kentucky Racing Health and Welfare Fund.

SECTION 13. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
Any holder of unclaimed pari-mutuel tickets affected by this Act under disability shall have five (5) years after the disability is removed in which to take any action or procedure or make any defense allowed to one sui juris.

SECTION 14. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
All sums reported and paid to the commission under the provisions of this Act shall be paid by the commission to the Kentucky Racing Health and Welfare Fund, Inc., a nonprofit charitable corporation, organized for the benefit, aid, assistance and relief of owners, trainers, jockeys, valets, exercise boys, grooms, stable attendants, pari-mutuel clerks and other racing personnel employed in connection with racing, and their wives and children, who can demonstrate their need for financial assistance connected with death, illness or off-the-job injury and are not otherwise covered by union health and welfare plans, workmen's compensation, social security, public welfare, or any type of health, medical, death or accident insurance. Said fund may also purchase or lease property and acquire other assets necessary to operate a home for aged and needy persons described above. Said sums shall be paid on or before December 31 in each year, provided that no payments shall be made by the commission to the Kentucky Racing Health and Welfare Fund, Inc., unless the commission, in its discretion, is satisfied that the fund is in all respects being operated for the charitable and benevolent purposes as set forth above and that no part of the funds paid to the fund by the commission or any net earnings of the fund inure to the benefit of any private individual, director, officer or member of the fund or any of the persons who turned over sums to the commission representing unclaimed pari-mutuel tickets.

SECTION 15. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:
Any person who refuses to make any report or to turn over sums as required by this Act shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or imprisoned for not less than thirty (30) days nor more than six (6) months, or both.

Section 16. KRS 393.095 is amended to read as follows:
All funds represented by unclaimed pari-mutuel winning tickets held in this state by any person, association or corporation operating a pari-mutuel or similar system of betting at running or trotting horse race tracks, *except thoroughbred race meetings,* shall be presumed abandoned, within the meaning of KRS Chapter 393, if not claimed by the person entitled thereto within two years from the time the ticket became payable.

The Committee on Cities reported **SB 192,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 192, AN ACT relating to fire prevention and protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 227.200 is amended to read as follows:
As used in KRS 227.200 to 227.400, unless the context otherwise requires:
(1) "Commissioner" means the commissioner of *buildings, housing and construction* [insurance];
(2) "Department" means the department of *buildings, housing and construction* [insurance];
(3) "Fire loss" means loss of or damage to property, loss of life or personal injury, by fire, lightning or explosion;
(4) "Owner" means any person who owns, occupies or has charge of any property;
(5) "Property" means property of all types, both real and personal, movable and immovable;
(6) "Rule" or "regulation" means a general order of the commissioner, designed for the prevention of fire loss, which affects or may affect property rights of a designated class of owners or for the prevention of fire loss by certain indicated hazards;
(7) "Order" or "special order" means an order of the *state fire marshal* [commissioner], designed for the prevention of fire loss, *that* [which] affects or may affect the property rights of a particular owner or designated property;

(8) As used in this section and KRS 227.305, unless the context otherwise requires:

(a) "Physically handicapped person" shall mean a person confined to a wheelchair; a person who uses braces or crutches; a person who because of the loss of a foot or leg or because of an arthritic, spastic, pulmonary or cardiac condition, walks with difficulty or insecurity; a person who suffers from a faulty coordination or palsy; a person who is blind or whose sight is so impaired that, functioning in a public area, he is insecure or exposed to danger; a person whose hearing is so impaired that he is unable to hear warning signals; and a person whose mobility, flexibility, coordination and perceptiveness are significantly reduced by aging;

(b) "Public building" shall mean any building constructed, owned or leased by the commonwealth or any political subdivision thereof;

(c) "Public accommodation" shall mean any building *serving the general public and otherwise* defined as a public accommodation by Title II of the Federal Civil Rights Act of 1964, whether or not it affects interstate commerce;

(d) "Facility for physically handicapped persons" shall mean any convenience or device which facilitates the health, safety or comfort of a handicapped person, including, but not limited to, ramps, handrails, elevators, and doors;

(e) "American National Standard Institute Specifications" shall mean the American National Standard Institute Specifications for Making Buildings and Facilities Accessible to, and usable by, the Physically Handicapped, A 117.1-1961; and

(f) "Remodel" shall mean, with respect to an existing public building or public accommodation, to construct an addition, make substantial repairs, or substantially alter the appearance, design or layout.

Section 2. KRS 227.210 is amended to read as follows:

Any power, duty or function, *whether ministerial, discretionary or whatever character,* vested in *or imposed upon* the *state fire marshal* [commissioner], by any provision of KRS 227.200 to 227.*410* [400], *227.550 to 227.660, and 227.990 to 227.992* may be exercised, discharged, *and* [or] performed by any deputy or assistant of the *state fire marshal's office* [department] acting in the *fire marshal's* [commissioner's] name and by his delegated authority.

Section 3. KRS 227.220 is amended to read as follows:

(1) The *state fire marshal* [commissioner] shall enforce or aid in the enforcement of all laws, regulations and ordinances of the state and its political subdivisions relating to fire loss as herein defined:

(a) The prevention or reduction of loss by fire or by other hazard or risk insured by property or casualty insurance companies doing business in this state, except as to disability insurance and workmen's compensation, and shall enforce any other regulations or methods adopted for the prevention of loss from such hazards or risks in order to promote the safety of persons or property;

(b) The manufacture, transportation, storage, sale or use of combustibles, explosives and hazardous materials or equipment;

(c) The design, construction, and maintenance of property which has a direct bearing on safety to life and property;

(d) The construction, installation, maintenance or equipment of fire alarm systems, fire protection and extinguishing equipment, and fire escapes and other means of access to or exit from property;

(e) Arson and related offenses.

(2) The *state fire marshal* [commissioner] is authorized to:

(a) Investigate the cause, origin, and circumstances of fires and explosions for the purpose of detecting and suppressing arson and related offenses, or for the purpose of minimizing or preventing fire loss;

(b) Supervise and make periodic inspections of all property within the state, and assist cities having fire departments in making like periodic inspections of all property in such cities, except occupied private dwellings;

(c) Make and enforce reasonable *summary orders* [rules] and orders *in accordance with Section 12 of this Act* for the prevention of fire loss, and for the adoption, approval, and installation of such safety *measures, remodelling and* equipment as will minimize fire loss;

(d) Provide technical and engineering advice and assistance to state and local governmental agencies in relation to fire prevention or fire protection;

(e) Direct and assist owners of educational institutions, places of public assembly, institutional buildings, public buildings, factories, business buildings, or other places where persons congregate, in the instruction of fire prevention, and the holding of fire drills;

(f) Conduct fire prevention and educational campaigns;

(g) Conduct examinations into the cause, origin, or circumstances of fire losses;

(h) Hold such hearings as he may deem necessary or desirable as to any matter within the scope of *this chapter;* [KRS 227.200 to 227.400.]

(i) Direct research in the field of fire protection and accept gifts and grants for such purposes;

(j) Recommend curricula for advanced courses and seminars in fire science training in colleges and institutions of higher education.

Section 4. KRS 227.230 is amended to read as follows:

The commissioner shall appoint a state fire marshal, *who shall appoint* [and] such deputy fire marshals, assistants and employes as are necessary to *exercise, discharge or perform any power, duty or function vested in, imposed upon or delegated to the state fire marshal by law or regulation* [carry out the purposes of KRS 227.200 to 227.400]. The state fire marshal, under the general direction of the commissioner, shall enforce and administer the provisions of *this chapter and any other duties assigned by law or regulation* [KRS 227.200 to 227.400 and rules and regulations issued hereunder]. The chief of each fire department and the sheriff of each county shall be deemed deputies when ordered by the *state fire marshal* [commissioner] to act as such for their respective *jurisdictions* [cities and counties]. Other deputy fire marshals may be appointed from the members of the fire department as the state fire marshal deems necessary.

Section 5. KRS 227.240 is amended to read as follows:

The *chief of each fire department, sheriff, or local deputy marshal ordered under KRS 227.230* [deputy fire marshal] shall immediately investigate the origin and circumstances of a fire in his area and determine the cause of the fire so far as practicable. If it appears [to the deputy] that the fire is of suspicious origin he shall immediately notify the *state fire marshal and the commissioner of the state police* [department].

Section 6. KRS 227.250 is amended to read as follows:

Every insurer authorized to transact business in this state shall report to the *state fire marshal* [department],such loss or damage by fire, lightning, *hazardous materials, flammable liquids* or explosion occurring to, *in or on* property insured by such insurer in this state, as may be, and in the manner prescribed by the *state fire marshal* [commissioner]. Provided, however, the *state fire marshal* [commissioner] may waive the reporting of such losses *if, in his discretion, the losses* [which] are [deemed] unimportant because of the small amount involved *and* [to the end that] a saving in time and expense will result.

Section 7. KRS 227.260 is amended to read as follows:

From the reports made to him *by insurers, employes, or appointees,* the *state fire marshal* [commissioner]shall keep a record of *all fire inspections, investigations and* fire losses occurring in this state and of facts concerning them. He shall make such compilations, investigations and statistical summaries as he deems proper, all of which shall be kept as permanent records in his office. All such records shall be pulic, except that the *state fire marshal* [commissioner] may, in his discretion, withhold from the public *such records, including reports of investigations of accidents and of fire losses, as may be exempted from disclosure by KRS Chapter 61 and regulations duly adopted thereunder* [statements and testimony taken in an investigation or examination, correspondence relating to an investigation or examination, confidential reports of private persons and agents, and reports of investigations of fire losses].

Section 8. KRS 227.270 is amended to read as follows:

(1) The *state fire marshal* [department] shall have jurisdiction over all property in the state insofar as it is necessary for the administration and enforcement of *any duty imposed on the office by law or regulation and* all laws, ordinances, [rules and] regulations *and orders* designed to protect the public from fire loss.

(2) The *state fire marshal or his employe or appointee* [commissioner] may, *without delay or advance notice and* at all reasonable hours of the day or night, enter in or upon any property to make an inspection or investigation for the purpose of preventing fire loss or determining the origin of any fire, but this subsection shall apply to the interior of private, occupied dwellings only when a fire has occurred therein or when the officer has reason to believe that unsafe fire conditions exist in the building.

(3) No person shall obstruct, hinder or delay such an officer in the performance of his duty.

Section 9. KRS 227.280 is amended to read as follows:

(1) The [commissioner, the] fire marshal or any deputy fire marshal may subpoena witnesses, administer oaths, require the production of books, papers, accounts, documents and other records or materials of an evidentiary nature and may examine witnesses in any investigation, hearing, action or proceeding authorized under *this Act* [KRS 227.200 to 227.400].

(2) Examinations may be public or private. Persons other than those required to be present may be excluded from the place where the examination or hearing is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(3) If any person fails to respond to a subpoena, or refuses to be sworn, or refuses to testify, or fails or refuses to produce any record or material called for, or fails or refuses to comply with a lawful order of the

[commissioner, the] fire marshal or any deputy fire marshal or performs any contemptuous or contumacious act after being summoned to appear in connection with an investigation, hearing, action or proceeding authorized under *this Act* [KRS 227.200 to 227.400, the commissioner], the fire marshal or any deputy fire marshal, as the case may be, shall certify the facts to the circuit court of the county in which the offense was committed. That court shall have jurisdiction to hear, try and punish such persons as in other cases of contempt.

(4) The same fees shall be paid for the service of process, the taking of depositions and for the services of stenographers as is provided for like services in circuit court.

Section 10. KRS 227.300 is amended to read as follows:

(1) The commissioner shall promulgate reasonable rules and regulations based *on* [upon] good engineering practice and principles as embodied in recognized standards of fire prevention and protection, providing for a reasonable degree of safety for human life against the exigencies of fire and panic, and insuring as far as is practicable against fire loss. Such rules and regulations shall be known as the standards of safety.

(2) In making such rules and regulations the commissioner shall establish minimum fire prevention and protection requirements, including but not limited to requirements for design, construction, installation, operation, storage, handling, maintenance or use of the following: structural requirements for the various types of construction; building restrictions within congested districts; exit facilities from structures; fire alarm systems and fire extinguishing systems; fire emergency drills; *maximum occupancy loads and other requirements for buildings of public assembly;* flue and chimney construction; heating devices; *boilers and pressure vessels;* electrical wiring and equipment; air conditioning, ventilating and other duct systems; refrigeration systems; flammable liquids, oil and gas wells; garages, repair and service shops; application of flammable finishes, [explosives,] acetylene, liquefied petroleum gas and similar products; calcium carbide and acetylene generators; dry cleaning and dyeing plants; flammable motion picture film; combustible fibres; airports and airport buildings; hazardous chemicals; rubbish; open flame devices; parking of vehicles; dust explosions; lightning protection; and other special fire hazards.

(3) For the purpose of integrating the need for safety from hazards of fire with the other safety needs of infants or preschool children under institutional care, the commissioner shall allow persons who own, manage or are employed by institutions which provide care or education for infants or preschool children to participate in drafting the standards of safety as they apply to such institutions. Such participation shall be by representation of professional associations relating to infant and preschool care, and by representation from other individuals licensed to provide infant and preschool care, on a committee chaired by the state fire marshal or his designate. Such participation shall occur prior to the publication of proposed regulations in the administrative register pursuant to KRS 13.085 and 13.096, but shall not limit any individual's right to use those procedures set forth in KRS Chapter 13 concerning comment on or protest of proposed regulations. All professional associations relating to infant and preschool care shall be notified by the commissioner when the drafting of standards of safety relating to such institutions is commenced and all such professional associations shall be regularly notified of the time and place of any meetings conducted by authorized employes of the department for the purpose of drafting such standards.

(4) The commissioner shall publish guidelines relating to the standards of safety as they apply to day care and preschool child care centers and nurseries, which shall indicate the items inspectors from the office of the state fire marshal will be looking for when they conduct inspections pursuant to the standards of safety. Such guidelines shall be made available to persons who own, operate or manage such centers or nurseries, and shall be designed to enable said persons to anticipate and comply with the requirements of the standards of safety.

Section 11. KRS 227.320 is amended to read as follows:

The authorities of any county, city or other political subdivision *shall* [may] adopt and enforce the standards of safety promulgated by the commissioner [of insurance by its respective police force], and may enter upon private property to enforce required fire lane open space in parking lots containing space for ten (10) or more vehicles. Whenever the commissioner, by rules and regulations prescribes a standard of safety from fire loss, such rules and regulations shall establish a minimum requirement concerning the matters covered thereby and shall be so construed in relation to any local rules and regulations.

Section 12. KRS 227.330 is amended to read as follows:

(1) Whenever the *state fire marshal, or any deputy state fire marshal* [commissioner] finds that any property is not safe as to fire loss, under the terms and conditions of *this Act* [KRS 227.200 to 227.400] and under the regulations promulgated *thereunder*, or that the practices or methods of *construction or* operation, or processes *or materials* employed or used in connection therewith do not afford adequate protection from *fire* loss, under *this Act* [KRS 227.200 to 227.400] or under such regulations, he shall order that additions, improvements, *repairs* or changes be made and such equipment be provided *or action taken* as will reasonably

render the property safe.

(2) *Orders and notices of the state fire marshal shall be effective only when in writing signed by him or by his authority.* [Before any such order is made a hearing shall be held in accordance with the provisions of KRS 304.2-320, 304.2-330, and 304.2-360.]

(3) *Every order of the fire marshal shall state its effective date, and shall concisely state:*

(a)The grounds or alleged violations on which based;

(b)The provisions of this Act or the regulations pursuant to which action is so taken or proposed to be taken;

(c)The date by which the alleged violation shall be corrected or eliminated and the correction recommended therefor; and

(d) All other matters required by law. [Appeals from any order or action of the commissioner under this section may be taken in the manner prescribed in KRS 304.2-370.]

(4) Except as provided by KRS 227.340, an order or notice may be given by delivery to the person to be ordered or notified or his agent or by mailing it, postage prepaid, addressed to him at his principal place of business or residence as last of record in the fire marshal's office.

(5) Except as provided in subsection (6) of this section, before any order issued under subsection (1) of this section is enforceable, notice and opportunity for a hearing shall be provided the owner or his agent in accordance with subsection (4) of this section and Sections 13, 18, 19 and 20 of this Act.

(6) Whenever the state fire marshal or any deputy state fire marshal designated by him for that purpose finds that a violation or violations of the provisions of this Act or any regulations adopted thereunder render any property especially susceptible to fire loss, and there is present such hazard to human life or limb that the public safety imperatively requires emergency action, a fire inspector or other state fire marshal employe may be authorized in writing by the state fire marshal to summarily order that property to be closed to the public or vacated by its occupants until such violation is corrected; provided, however, that the authorizing official incorporates findings to that effect in a written summary order, provides notice of such summary order to the owner or his agent in accordance with subsection (4) of this section within twenty-four (24) hours, and provides the owner an opportunity for a hearing upon his request in accordance with Sections 19 and 20 of this Act within seventy-two (72) hours of the receipt of his request for a hearing by the fire marshal. The fire marshal or his designee shall make his order covering matters involved in the hearing on a summary order and give a copy of the order to each party involved within forty-eight (48) hours of the conclusion of the hearing.

(7) Notwithstanding the above upon receipt of notice of a summary order issued under subsection (6) of this section, an owner or agent may seek a temporary restraining order prohibiting its enforcement in the circuit court within whose jurisdiction the property is located. The court shall review the summary order, and may prohibit its enforcement.

(8) Appeals from any order issued or action taken under this section may be taken in the manner prescribed by Section 21 of this Act.

Section 13. KRS 227.340 is amended to read as follows:

Whenever the *state fire marshal, his deputy,* [commissioner] or other officer has reason to believe that a fire hazard should be corrected and he is unable to determine after a diligent search the owner of any property to be affected, he shall post notice of a hearing concerning such hazard in a conspicuous place on or near such property and shall publish such notice pursuant to KRS chapter 424 in the county in which the property is located. The hearing shall be held in accordance with KRS 227.330 at the time and place specified in the notice as if such notice had been served on the owner.

Section 14. KRS 227.350 is amended to read as follows:

The *state fire marshal* [commissioner] shall keep a permanent record of all *summary orders,* orders, rules and regulations. Each such *summary order,* order, rule or regulation, shall be admissible in any prosecution for the violation of any of its provisions. Provisions of *a summary order or* an order, rule or regulation shall be presumed to be lawful and to fix a reasonable and proper requirement and standard of safety from fire loss.

Section 15. KRS 227.360 is amended to read as follows:

If any owner fails to comply with *a summary order or* an order of the *state fire marshal, his authorized designee or a fire inspector* [commissioner], or with an order as modified on appeal, the *state fire marshal* [commissioner] may cause the property to be repaired, or removed if repair is not feasible, or all fire hazard conditions remedied, at the expense of the owner. Such expense may be enforced against any property of such owner, and the *state fire marshal* [commissioner] and those employed by him to do the work or who furnish materials or equipment therefor, shall have a lien for such expense on the real estate property involved.

Section 16. KRS 227.990 is amended to read as follows:

Any person who violates any provision of *this chapter* [KRS 227.200 to 227.400] or any provision of a lawful order, rule or regulation made under the provisions of *this chapter* [KRS 227.200 to 227.400], or who induces another to violate any provisions of *this Act* [KRS 227.200 to 227.400] or of any lawful order, rule or regulation made thereunder, *upon conviction thereof* shall be fined not less than *twenty-five dollars ($25.00)* [ten dollars ($10.00)] nor more than *one thousand dollars ($1,000)* [five hundred dollars ($500)], or confined in the county jail for not more than sixty (60) days, or both. Each day such violations exist shall, in the discretion of the courts, be considered as a separate offense.

SECTION 17. A NEW SECTION OF KRS 227.330 TO 227.340 IS CREATED TO READ AS FOLLOWS:

(1) Any person who wilfully violates any rule, regulation, summary order or order of the state fire marshal shall be subject to suspension or revocation of certificate of authority, occupancy, or other license or permit, or administrative fine not exceeding one thousand dollars ($1,000) in lieu of such suspension or revocation, for violation of the provision to which such rule, regulation, or order relates, after notice and hearing in accordance with the housing board's appeals procedures in KRS Chapter 198B.

(2) It shall be the duty of the state fire marshal, or upon the commissioner's request, of the attorney general, to bring an action to enforce any proper order made or action taken by the fire marshal or on his authority, or for the recovery of the penalties herein provided, and to bring an action for a restraining order, temporary or permanent injunction, as the state fire marshal deems necessary for the prevention or correction of a condition constituting or threatening to constitute a violation of this Act or regulations adopted thereunder. In any such action for a restraining order, temporary or permanent injunction, allegations in a verified complaint or affidavit by the state fire marshal deputy or employe that the respondent is in violation of specified fire prevention and protection laws or regulations and such violation or violations present such hazard to human life or limb that the public safety imperatively requires emergency action, shall be sufficient under Rule 65 of the Kentucky Rules of Civil Procedure to show that the applicant's rights are being or will be violated and he will suffer immediate and irreparable injury, loss or damage, before notice can be served and a hearing had thereon or pending a final judgment in the action.

(3) All actions for enforcement, recovery of administrative fines and injunctive relief for violations of this Act shall be brought in the name of the Commonwealth of Kentucky by the state fire marshal, or upon the commissioner's request by the attorney general, in the circuit court within which the property involved is located.

(4) If the fire marshal has reason to believe that any person has violated any provision of this Act, for which criminal penalties are provided and in his opinion prosecution would be in order, he shall give the information relative thereto to the appropriate county attorney, commonwealth attorney or to the attorney general. The county attorney, commonwealth attorney or attorney general shall promptly institute such action or proceedings against such person as in his opinion the information may require or justify.

SECTION 18. A NEW SECTION OF KRS 227.330 TO 227.340 IS CREATED TO READ AS FOLLOWS:

(1) The fire marshal shall give written notice of a hearing not less than ten (10) days in advance. The notice shall state the date, time and place of the hearing and specify the matters to be considered at the hearing. If the persons to be given notice are not specified in the provision pursuant to which the hearing is held, the fire marshal shall give such notice to all persons whose pecuniary interest, to the fire marshal's knowledge or belief, are to be directly and immediately affected by the hearing.

(2) If any such hearing is to be held for consideration of rules and regulations of the commissioner, or of other matters which, under subsection (1) of this section, would otherwise require separate notice to more than thirty (30) persons, in lieu of other notice the commissioner may give notice of the hearing by publication pursuant to KRS Chapter 424; but the commissioner shall mail such notice to all persons who had requested the same in writing in advance and have paid to the commissioner the reasonable amount fixed by him to cover the cost thereof.

(3) All such notices, other than published notices, shall be given as provided in KRS 227.330(4).

SECTION 19. A NEW SECTION OF KRS 227.330 TO 227.340 IS CREATED TO READ AS FOLLOWS:

(1) The fire marshal or any other person duly authorized in writing by the fire marshal, shall preside at the hearing and shall expedite the hearing and all procedures involved therein, and shall have the same powers as the fire marshal in relation to the entire matter except the order on the hearing, if not prepared by the fire marshal, shall be approved in writing by the fire marshal.

(2) Any party to the hearing shall have the right to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary and other evidence and to examine and cross-examine witnesses, to present evidence in support of his interest and to have subpoenas issued by the fire marshal to compel attendance of witnesses and production of evidence in his behalf. Testimony may be taken orally or by deposition, and any party shall have such right of introducing

evidence by interrogatories or deposition as may obtain in a circuit court.

(3) Upon good cause shown, the fire marshal shall permit to become a party to the hearing by intervention, if timely, only such persons, not original parties thereto, whose pecuniary interests are to be directly and immediately affected by the fire marshal's order made upon the hearing.

(4) Formal rules of pleading or evidence need not be observed at any hearing so long as procedural due process is afforded all parties, and so long as said hearing is conducted in accordance with the rules and regulations of the department.

(5) The hearing shall be public, unless the fire marshal, or his authorized designee, determines that a private hearing would be in the public interest, in which case and only with the consent of all parties to the hearing, the hearing shall be private.

(6) The fire marshal shall cause a full stenographic record of the proceedings to be made. If transcribed, a copy of such record shall be part of the fire marshal's record of the hearing; and a copy shall be furnished to any other party to the hearing, at the request and expense of such other party. If no such record is transcribed, the fire marshal shall prepare a summary record of the proceedings and evidence.

(7) The validity of any hearing held in accordance with the notice thereof, or waiver of notice, shall not be affected by the failure of any person to attend or remain in attendance.

(8) The fire marshal or his authorized designee may adjourn any hearing from time to time and from place to place without other notice of the adjourned hearing than announcement thereof at the hearing.

SECTION 20. A NEW SECTION OF KRS 227.330 TO 227.340 IS CREATED TO READ AS FOLLOWS:

(1) In the conduct of hearings under this Act and making his order thereon, the fire marshal or his authorized designee shall act in a quasi-judicial capacity.

(2) Except as provided in subsection (6) of Section 12 of this Act, within thirty (30) days after termination of a hearing, or of any rehearing thereof or reargument thereo, the fire marshal or his authorized designee shall make his order covering matters involved in such hearing, and give a copy of the order to each party to the hearing in the same manner as notice of the hearing was given to such party.

(3) The order shall contain those statements required by KRS 227.330(3).

(4) The order may affirm, modify or rescind action theretofore taken or may constitute taking of new action within the scope of the notice of the hearing.

(5) An order prepared by the fire marshal's designee and approved in writing by the fire marshal shall be considered the fire marshal's order.

SECTION 21. A NEW SECTION OF KRS 227.330 TO 227.340 IS CREATED TO READ AS FOLLOWS:

(1) An appeal from the fire marshal shall be taken only from an order on hearing.

(2) Any person who was a party to such a hearing and who is aggrieved by such order may appeal from such order within thirty (30) days after the order on hearing has been mailed or delivered to the persons entitled to receive the same, or given by last publication thereof where delivery by publication is permitted.

(3) The appeal shall be granted as a matter of right, and shall be taken to the circuit court within which the property is located, or before the housing board established in KRS Chapter 198B.

(4) The appeal shall be taken by filing in the court a verified petition setting forth the grounds for appeal, together with a bond with good and sufficient sureties to be approved by the court, conditioned to pay all costs which may be assessed against the appellant or petitioner in such proceedings, and by serving a copy of the petition on the fire marshal.

(5) Upon receiving the petition on appeal, the fire marshal shall forthwith prepare an official record certified by him which shall contain a copy of all proceedings and orders appealed from and the transcript of testimony and evidence or summary record thereof made as provided in Section 19 of this Act. Within thirty (30) days after the petition was served upon him the fire marshal shall file such official records with the court.

(6) Upon filing of the petition on appeal the court shall have full jurisdiction of the proceeding. Such filing shall not stay the enforcement of the fire marshal's order or action appealed from unless so stayed by order of the court in which the appeal is pending.

(7) A case shall be set down by the court for as early a day as possible for a hearing and shall in all respects be expedited as a declaratory judgment suit. No new or additional evidence shall be introduced in the circuit court except as to fraud or misconduct of some party engaged in the administration of this chapter and affecting the order appealed from, but the court shall otherwise hear the case upon the record as attested by the fire marshal and shall in all respects dispose of the appeal in a summary manner. Its review shall be limited to determining whether or not:

(a) The fire marshal acted within or in excess of his powers;

(b) Legal or procedural due process was afforded the appellant; and

(c) If questions of fact are in issue, whether or not any substantial evidence supports the order appealed from.

(8) After such a hearing, the court shall enter a judgment sustaining or setting aside the order of the fire marshal appealed from or, in its discretion, the court may remand the case to the fire marshal for the purpose of taking additional testimony or other proceedings.

(9) From the judgment of the circuit court the fire marshal or other party to the appeal may appeal to the Kentucky Court of Appeals in the same manner as provided in civil cases.

SECTION 22. A NEW SECTION OF KRS 227.330 TO 227.340 IS CREATED TO READ AS FOLLOWS:

Whenever the state fire marshal or any deputy state fire marshal appointed or employed by him, makes any finding set forth in subsection (1) of KRS 227.330, or finds any property in violation of any provision of KRS 227.200 to 227.410 or any regulations adopted thereunder, in lieu of the order required in KRS 227.330(1), he may notify the owner or his agent in writing of such finding and violation and instruct him to correct the violation within a period of time to be determined at his discretion, but not to exceed sixty (60) days. Should the owner fail to make the required corrections within the specified time, the state fire marshal may proceed to take any other action authorized in this Act.

SECTION 23. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

The state fire marshal shall perform inspections on all commercial properties identified by names and addresses supplied under Section 24 of this Act within a reasonable time after their submission.

SECTION 24. A NEW SECTION OF SUBTITLE 35 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The commissioner shall request, receive and transmit the names and addresses of all commercial policyholders of and applicants to the "FAIR" plan to the state fire marshal.

SECTION 25. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

(1) Except for the powers conferred by KRS 227.220(2)(a), the rights, powers and privileges granted under this Act to the State Fire Marshal shall not apply to any single family dwelling in this Commonwealth.

(2) Any city, county or urban county government of the Commonwealth may extend, by ordinance, the application of this Act to those single family dwellings exempted under subsection (4) of Section 1.

The Committee Amendment to **SB 192** is as follows:

Amend printed copy of **SB 192,** page 28, after line 9, by deleting Section 25 in its entirety.

The Committee on State Government reported **SB 171,** with Committee Amendment attached thereto, **SB 306, SCR 46,** and **SJR 37** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 171, AN ACT relating to facilities for the physically handicapped in public buildings and accommodations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 227.305 is amended to read as follows:

(1) The state fire marshal shall issue regulations relating to the minimum requirements for facilities for physically handicapped persons in all public buildings and public accommodations to be constructed or remodeled after June 21, 1974. In doing so he shall adopt those standards known as the American National Standard Institute Specifications.

(2) After June 21, 1974, no *state or local* building permit or other official authorization for construction or remodeling of a public building or public accommodation by any person is valid unless the plans and specifications are in compliance with the regulations issued by the state fire marshal pursuant to this section and KRS 227.200.

(3) Local governments may enforce those regulations adopted and issued by the state fire marshal pursuant to subsection (1) of this section, provided that this subsection shall not be construed as limiting the authority of the state fire marshal to enforce those same regulations in any area of the state.

The Committee Amendment to **SB 171** is as follows:

Amend printed copy of **SB 171,** page 2, after line 2, by inserting the following:

"(4) In the case of public buildings or public accommodations which are to be remodeled, the fire marshal may, upon application and on a case-by-case basis, modify or waive compliance with the regulations issued by him pursuant to this section and KRS 227.200, upon a determination by him that such modification or waiver is necessary in order to prevent undue hardship."

SB 306, AN ACT relating to the court of justice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 29A.180 is amended to read as follows:

(1) The sheriff, city police or city marshal, as appropriate, shall be responsible for meals, housing, and other incidental needs of grand jurors and petit jurors in circuit court and in district court when the jurors are kept overnight or otherwise sequestered when ordered to do so by the judge of the court for which the jurors were summoned. The expenses for such services shall be borne by the *executive department for finance and administration* [Court of Justice] and such officer shall be reimbursed in accordance with regulations issued by the *executive department for finance and administration* [administrative office of the courts].

(2) The sheriff, city police or city marshal, as appropriate, shall be responsible for the transportation of jurors and other authorized persons to views of the scene or other locations authorized by the court pursuant to KRS 20A.310. In criminal cases the expenses for such services shall be borne by the *executive department for finance and administration* [Court of Justice] and the sheriff shall be reimbursed in accordance with regulations issued by the *executive department for finance and administration* [administrative office of the courts]. Excepting views conducted under the Eminent Domain Act of Kentucky, in civil cases these expenses shall be paid by the party requesting the viewing.

(3) The sheriff, city police or city marshal, as appropriate, shall be responsible for providing any specialized security personnel, equipment, and services which the judge, with the consent of the Chief Justice, shall deem necessary for the conduct of a trial in which the judge believes that special security precautions are necessary or desirable. The expenses for such services shall be borne by the *executive department for finance and administration* [Court of Justice] and such officer shall be reimbursed in accordance with regulations issued by the *executive department for finance and administration* [administrative office of the courts]. In such cases the judge may also request the Chief Justice to provide the services of the Kentucky state police to ensure proper security precautions relating to the case.

Section 2. Whereas, the expenses for services provided in sequestering jurors are presently being incurred, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

SCR 46, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the feasibility of implementing a Golden Age Discount Card program in the Commonwealth.

WHEREAS, older persons in Kentucky and in the nation are a valuable resource and have contributed greatly to our society; and

WHEREAS, older persons in Kentucky and in the nation nearly always live on a limited, fixed income; and

WHEREAS, Golden Age Discount Cards would allow the elderly citizens of the Commonwealth to receive special purchase discounts at participating businesses; and

WHEREAS, similar Golden Age Discount Card programs exist in surrounding states; and

WHEREAS, groups of older persons consistently approach the General Assembly as to the need for a discount card program for the elderly;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. The Legislative Research Commission is directed to study the feasibility of implementing a Golden Age Discount Card program in the Commonwealth.

Section 2. The study along with any recommendations shall be reported to the appropriate interim joint committee of the General Assembly no later than December 31, 1978.

Section 3. Staff services to be utilized in completing this study are estimated to cost $6,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

SJR 37, A JOINT RESOLUTION on Legislative Improvement.

WHEREAS, the process of legislative improvement and reform in Kentucky is one of a continuing nature; and

WHEREAS, the Kentucky General Assembly, having made great advancements in recent years, in some instances has been deemed lacking in its effort to establish itself as a coequal branch of state government; and

WHEREAS, the years ahead will bring greater demands upon the time and capability of the General Assembly to meet its responsibilities as such coequal; and

WHEREAS, in its continuing effort to strengthen and modernize its functions and processes, the General Assembly is well advised to solicit the advice and counsel of those beyond its confines, who possess a perspective and insight not otherwise available to its members and staff;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the President Pro Tem of the Senate and the Speaker of the House of Representatives shall appoint a Citizens' Advisory Committee on Legislative Improvement.

Section 2. That such committee shall be charged with studying and making recommendations to the 1980 session of the General Assembly concerning the areas of legislative improvement and modernization pursuant to the Constitution, statutes and rules of procedure as such affect the General Assembly, including but not limited to its sessions, terms, procedures, facilities, staff and remuneration.

Section 3. That except as otherwise provided herein all such appointees shall be representatives of the general public.

Section 4. That the President Pro Tem shall appoint seven members, at least two of whom shall be members of the Senate. At least two of such seven appointees, and not necessarily those who are members of the Senate, shall be affiliated with the minority political party represented in such body.

Section 5. That the Speaker shall appoint seven members, at least two of whom shall be members of the House of Representatives. At least two of such seven appointees, and not necessarily those who are members of the House of Representatives, shall be affiliated with the minority political party represented in such body.

Section 6.. Members of the Citizens' Advisory Committee on Legislative Improvement shall serve without compensation, but shall be reimbursed by the Legislative Research Commission for their expenses incurred in the performance of their duties.

Section 7. The director of the Legislative Research Commission shall assign staff to said committee, and shall provide space for its deliberations.

The Committee on State Government reported **SB 224** with Committee Substitute and Committee Amendment attached thereto, **SB 226** with Committee Substitute attached thereto, and **SB 289** with Committee Substitute and Committee Amendment, with the expression that the same should pass. Ordered referred to the Committee on Rules.

The Committee Substitute to **SB 224** is as follows:

SB 224, AN ACT relating to consumer protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:
As used in this Act unless the context requires otherwise:

(1) "Club" means any health club, social referral club, buying club, or dance studio.

(2) "Contract" means any agreement by which one becomes a member of a club.

(3) "Health club" means any corporation, partnership, unincorporated association or other business enterprise organized for profit having the primary purpose of engaging in instruction, training, encouragement or assistance in physical fitness, body building, exercising, reducing, figure development or any other such activities, or furnishing the use of facilities for such activities.

(4) "Social referral club" means any corporation, partnership, unincorporated association or other business enterprise organized for profit with the primary purpose of matching members of the opposite sex, by the use of computer or any other means, to facilitate dating or general social contact.

(5) "Buying club" means any person or persons, corporation, unincorporated association, or other organization which for a consideration provides or purports to provide its members or the members of any other buying club with the ability to purchase goods or services at discount prices; except that such organization shall not include any buying club in which persons receive discount buying services incidentally as part of a package of services provided to, or available to, such individuals on account of membership in such organization which is not organized for the profit of any person or corporation and which does not have as one of its primary purposes or businesses the provision of discount buying services.

(6) "Dance studio" means any corporation, partnership, unincorporated association or other business enterprise organized for profit with the primary purpose of engaging in instruction, training, encouragement or assistance in dancing.

(7) "Member" or "membership" means a status by which any natural person is entitled to any of the benefits of a club.

(8) "Prepayment" means any payment over $25 for service or merchandise made before the service is rendered or the merchandise is received. It is not a prepayment if a payment for service is made on the same day the service is rendered. Money received by a club from a financial institution upon assignment of a contract shall be considered prepayment when and to the extent the member is required to make prepayments to the financial institution pursuant to the contract.

SECTION 2. A NEW SECTION OF KRS 367 IS CREATED TO READ AS FOLLOWS:

Any person who has elected to become a member of a club may cancel such membership by giving written notice of cancellation any time before midnight of the third business day following the date on which membership was attained. Notice of cancellation may be given personally or by mail. If given by mail, the notice is effective upon mailing by registered or certified mail, return receipt requested. Notice of cancellation need not take a particular form and is sufficient if it indicates, by any form of written expression, the intention of the member not to be bound by the contract. Cancellation shall be without liability on the part of the member and the member shall be entitled to a refund, within ten (10) days after notice of cancellation is given, of the entire consideration paid for the contract. Rights of cancellation may not be waived or otherwise surrendered.

Section 3. A NEW SECTION OF KRS 367 IS CREATED TO READ AS FOLLOWS:

(1) A copy of every contract shall be delivered to the member at the time the contract is signed. Every contract must be in writing, must be signed by the member, must designate the date on which the member signed the contract and must state, clearly and conspicuously in bold face type of a minimum size of fourteen points, the following:

"MEMBERS' RIGHT TO CANCEL"

> "If you wish to cancel this contract, you may cancel by delivering or mailing a written notice to the company. The notice must say that you do not wish to be bound by the contract and must be delivered or mailed before midnight of the third business day after you sign this contract. The notice must be delivered or mailed to (insert name and mailing address of company). If you cancel, the club is required to return within ten days of the date on which you give notice of cancellation, any payments you have made."

(2) Every contract which does not contain the notice specified in subsection (1) may be cancelled by the member at any time by giving notice of cancellation by any means.

SECTION 4. A NEW SECTION OF KRS 367 IS CREATED TO READ AS FOLLOWS:

No contract shall be valid for a term longer than thirty-six (36) months from the date upon which the contract is signed. The duration of the contract shall be clearly and conspicuously disclosed in the contract in bold face type of a minimum size of fourteen points.

SECTION 5. A NEW SECTION OF KRS 367 IS CREATED TO READ AS FOLLOWS:

(1) Every buying club shall maintain a bond issued by a surety company admitted to do business in this state, the principal sum of which shall at all times be at least as great as the sum of (a) the total amount of

prepayment received for all contracts of membership entered into after June 30, 1978, and (b) the total of all deposits being held on merchandise ordered or purchased through the club, pursuant to contracts entered into after June 30, 1978.

(2) Every health club, social referral club, or dance studio shall on or before April 15 of each year submit to the office of the Attorney General a financial statement, in form acceptable to the Attorney General, for the purpose of permitting the Attorney General to determine whether the financial position of the club is adequate to protect the interests of the members of the health club, social referral club or dance studio as relates to the continued operation of the health club, social referral club or dance studio. If the Attorney General determines that the interest of the members of the health club, social referral club or dance studio are in jeopardy then the Attorney General may require the health club, social referral club or dance studio to take those steps necessary to insure compliance with the membership contract including the requirement of the execution of a bond with good and approved surety. The health club, social referral club or dance studio or any person having a financial interest in a contract with the health club, social referral club or dance studio may appeal the determination of the Attorney General within thirty (30) days after the determination is made by the Attorney General. The appeal shall be filed with the Franklin Circuit Court and be tried de novo.

(3) In no event shall any bond required by this section be more than $25,000.

(4) The bond required by this section shall be in favor of the attorney general of the Commonwealth of Kentucky for the benefit of any member who suffers loss of prepayment made pursuant to a contract entered into after June 30, 1978, due to insolvency of the club or the cessation of business by the club, or failure by the club to perform under any contract. A copy of the bond shall be filed with the attorney general prior to the making of any membership contract by a club. Any person claiming against the bond may maintain an action at law against the club and the surety. Failure to so maintain a bond as required by this section shall make the principals of any club personally liable for the claims of members.

(5) The aggregate liability of the surety to all persons for all breaches of the conditions of the bonds provided herein shall in no event exceed the amount of the bond.

(6) This section does not apply to any club which files a declaration, executed under penalty of perjury by the owner or manager of such club, with the attorney general stating that the club does not require or in the ordinary course of business receive prepayment for services or merchandise.

SECTION 6. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) The attorney general shall investigate violations of this Act and when from information in his possession he has reasonable ground to believe that any person has violated or is about to violate any provision of this Act, or that any club is insolvent, he shall be entitled on behalf of the state: (a) to sue for and have injunctive relief in any court of competent jurisdiction against any such violation or threatened violation without abridging the penalties provided by law and (b) to sue and recover on behalf of any member any money or property, real or personal, which may have been acquired as a result of a violation of this Act; and in case the club has failed to maintain the bond required by this Act, or is insolvent or in imminent danger of insolvency, to sue for and have an order appointing a receiver to wind up its affairs.

(2) In addition to the remedies otherwise provided by law, any person injured by a violation of any of the provisions of this Act, may bring a civil action and recover damages, together with costs and disbursements, including reasonable attorney's fees, and receive other equitable relief as determined by the court.

SECTION 7. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Any person who violates any of the provisions of this Act shall be guilty of a Class A misdemeanor.

The Committee Amendment to the Committee Substitute to **SB 224** is as follows:

Amend printed copy of House Committee Substitute for **SB 224,** page 8, line 15, by adding the following:

"SECTION 8. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall be deemed to endorse any practice regulated by the Act or to conflict with any criminal statute."

The Committee Substitute to **SB 226** is as follows:

SB 226, AN ACT relating to the regulation of recreational and retirement use lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The general assembly finds and declares that the sale and offering for sale of recreation and retirement use land, the sale of which is often premised upon future completion of improvements by the subdivider, affects a great number of the citizens of this state and that regulation of such promised improvements in recreation and retirement use land is essential.

SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Unless the context otherwise requires, the following terms shall mean:

(1) "Recreational and retirement use" land shall mean that land which is sold and promoted with primary emphasis on the land's value for recreational purposes or for retirement purposes. In order to carry out the purposes of this Act, the attorney general may by regulations further define the term "Recreational and Retirement Use" of land;

(2) "Offer" includes every inducement, solicitation, or attempt to encourage a person to acquire an interest in land;

(3) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, partnership, unincorporated association, two (2) or more of any of the foregoing having a joint or common interest or any other legal or commercial entity;

(4) "Purchaser" means a person who acquires or attempts to acquire or succeeds to an interest in land;

(5) "Subdivider" means any owner of subdivided land who offers it for disposition or the principal agent of such owner.

(6) "Subdivision and subdivided lands" means any land which is divided or is proposed to be divided for the purpose of disposition into ten (10) or more lots, parcels, units, or interests and also includes any land whether contiguous or not if ten (10) or more lots, parcels, units, or interests are offered as a part of a common promotional plan of advertising and sale.

SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) In the sale or offering for sale of any subdivision which is primarily directed toward recreational or retirement use, in the sale of which any improvements are advertised but not completed, the subdivider shall furnish a bond payable to the attorney general in an amount equal to the costs of all such improvements, included but not limited to roads, lakes, golf courses, and stables which are so advertised prior to the sale of any such land or property. Such bond shall remain in effect until the advertised improvements are made and if not completed within a time deemed reasonable by the attorney general shall, after hearing, be forfeited to the attorney general for the use and benefit of the purchasers of the property. Upon completion of the promised improvements and production of a verified statement to this effect the subdivider may petition the commission for release of the bond.

(2) If the land or property offered for sale by the subdivider is located outside of the Commonwealth of Kentucky and is sold both to Kentucky residents and residents of other jurisdictions, the attorney general may accept a bond as described in subsection (1) of this section equal to the pro rata share of improvements for that property that is reasonably anticipated to be sold to Kentucky residents.

(3) In lieu of the bonding requirements appearing in subsection (1) of this section, a subdivider may, with the approval of the commission, place in an approved escrow account fifty percent (50%) of receipts of sales of such subdivided lots until the amount necessary to make the improvements has been accumulated or the improvements advertised by the subdivider made. If the improvements are not made within a reasonable time as determined by the attorney general, such escrow account, after hearing, shall revert to the benefit of the subdivision purchasers.

SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

It shall be unlawful for any subdivider to offer for sale recreational or retirement use land in which the improvements as described in Section 3(1) of this Act have not been made unless the provisions of all of Section 3 of this Act have been met.

SECTION 5. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) Persons offering for sale recreational and retirement use land as defined in this Act shall register with the attorney general. The attorney general, after ascertaining that the applicant has complied with Section 3 of this Act, shall issue a registration number to the person, which must appear in any advertising engaged in by the registrant to promote recreational and retirement use land sales in Kentucky.

(2) The attorney general may charge each registrant a fee not to exceed ten dollars ($10.00), plus such additional fees as the attorney general finds necessary to cover any extraordinary investigational costs necessary to investigate the registrant pursuant to this Act.

SECTION 6. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The attorney general shall promulgate rules and regulations which will ensure an adequate disclosure to the purchaser of recreational and retirement use land the probable costs of any necessary maintenance of improvements of such land which may accrue in the future, including but not limited to the costs of taxes, assessments, belonging to an association, costs of inflation, and repairs or improvements. Such disclosure shall be made both orally and in writing prior to the sale of such land.

SECTION 7. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

No lots or property shall be sold which are primarily to be used for recreation and retirement use, unless the road system and grading to all such lots are completed in such a manner as to allow a full and complete ingress and egress.

SECTION 8. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Whenever the attorney general has reason to believe that any person is offering recreational and retirement use land for sale in violation of this Act or any rules or regulations issued by the attorney general pursuant to Section 6 of this Act, and that proceedings would be in the public interest, he may move in the name of the Commonwealth in a circuit court for a restraining order or temporary or permanen injunction to prohibit such offer. The action may be brought in the circuit court in the county in which such person resides or has his principal place of business or in the circuit court of the county in which the unlawful offer or sale has been or is about to be committed, or in the county in which the land is situated.

SECTION 9. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Subdividers subject to and complying with 15 U.S.C. Sections 1701-1720, "Interstate Land Sale Full Disclosure Act" as currently administered by the Office of Interstate Land Sales Registration of the U.S. Department of Housing and Urban Development shall during the continuance of such compliance be exempt from Sections 3, 4, 5, 6 and 7 of this Act, but shall file duplicate copies of all registration statements with the attorney general.

Section 10. KRS 324.990 is amended to read as follows:

(1) Any person who violates any provision of this chapter shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or imprisoned for a term not to exceed six (6) months, or both. Upon conviction, in addition to the aforesaid fine, there shall be added to the fine the amount of any real estate brokerage commission paid or received as a result of the violation or violations in question. Each transaction shall be regarded as a separate offense and shall be punished as such.

(2) A violation of Sections 3, 4, 5 and 7 of this Act is a Class C felony.

(3) Either the attorney general or the appropriate Commonwealth attorney shall have authority to prosecute violators of Sections 3, 4, 5 and 7 of this Act.

The Committee Substitute to **SB 289** is as follows:

SB 289, AN ACT relating to state government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 11.065 is amended to read as follows:

(1) The heads of the executive department for finance and administration, department for human resources, department of justice, department for natural resources and environmental protection, department of transportation, cabinet for education and the arts, cabinet for development and the cabinet for public protection and regulation shall constitute the governor's executive cabinet. *There shall be a secretary appointed by the governor who shall serve as the chief executive and administrative officer of the executive cabinet.* The governor shall be the chairman and the *secretary* [commissioner] of the executive department for finance and administration shall be [secretary and] vice-chairman of the executive cabinet.

(2) The cabinet shall meet not less than *once every two months* [twice a month] and at other times on call of the governor or the secretary of the cabinet. The executive cabinet shall be a part of the office of the governor and shall not constitute a separate department or agency of the state. Members of the cabinet shall be the major assistants to the governor in the administration of the state government and shall assist the governor in the proper operation of his office and perform such other duties as the governor may require of them.

(3) The cabinet shall consider such matters involving policies and procedures as the governor or any member may place before it. The cabinet shall advise and consult with the governor on all matters affecting the welfare of the state.

Section 2. KRS 12.020 is amended to read as follows:

Departments, program cabinets (and their departments) and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or executive order.

I. Departments headed by elected officers:
1. The governor.
2. Lieutenant governor.
3. Department of state.
(a) Board of elections.
4. Department of law.
(a) Consumers advisory council.
5. Department of the treasury.
6. Department of agriculture.
(a) State board of agriculture.
(b) Milk marketing and antimonopoly commission.
7. Department of education.
(a) *Superintendent of public instruction* [State board of education].
(b) *State board for elementary and secondary education* [State textbook commission].
(c) The department for elementary and secondary education.
(d) State board for occupational education.
(e) The department for occupational education.
(f) State textbook commission.
8. Auditor of public accounts.
9. Railroad commission.
II. Cabinet departments headed by appointed officers:
1. Executive department for finance and administration.
(a) State property and buildings commission.
(b) Turnpike authority of Kentucky.
(c) Capitol plaza authority.
(d) Kentucky housing corporation.
(e) Kentucky pollution abatement authority.
(f) Kentucky health and geriatric authority.
(g) Kentucky savings bond authority.
(h) [County debt commission.
(i)] Spindletop foundation.
(i) [(j)] Kentucky public employes deferred compensation system.
[(k) Board of claims.
(l) Crime victims compensation board.]
2. Department of transportation.
(a) Railroad commission.
(b) Motor vehicle dealers board.
3. Department for natural resources and environmental protection.
(a) Environmental quality commission.
(b) Soil and water conservation commission.
(c) Ohio river sanitation commission.
4. Department of justice.
(a) Kentucky crime commission.
(b) Parole board.
(c) Kentucky law enforcement council.
(d) Commission on corrections and community service.
(e) State police personnel board.
5. Department for human resources.
(a) Citizens commission for human resources.
(b) Advisory council for medical assistance.

(c) Unemployment insurance commission.
(d) Certificate of need and licensure board.
(e) Generic formulary council.
Cabinet for development.
Department of agriculture (headed by elected officer).
6. Department of commerce.
(a) Kentucky industrial development finance authority.
(b) Kentucky *film* [science and technology] commission.
7. Department of fish and wildlife resources.
(a) Fish and wildlife resources commission.
8. Department of parks.
(a) Breaks interstate park commission.
9. Department of energy.
(a) Energy resources advisory commission.
10. Kentucky historical events celebration commission.
11. State fair board.
12. Kentucky geological survey.
13. Economic development commission.
14. The governor's council on agriculture.
15. The farmers advocate's office.
Cabinet for education and the arts.
16. Kentucky arts commission.
17. Bureau for the blind.
18. Kentucky council of economic advisers.
Department of education (headed by elected officer).
19 [17]. Kentucky authority for educational television.
20 [18]. Kentucky heritage commission.
21 [19]. Kentucky historical society.
22 [20]. Department of library and archives.
(a) State archives and records commission.
(b) State board for certification of librarians.
23 [21]. Advisory council for vocational education and manpower development and training.
Cabinet for public protection and regulation.
24 [22]. Department for alcoholic beverage control.
(a) Alcoholic beverage control board.
25 [23]. Department of banking and securities.
26 [24]. Department of insurance.
(a) Custodian of insurance securities.
27 [25]. Department of labor.
(a) Workmen's compensation board.
(b) Occupational safety and health standards board.
(c) State labor relations board.
28 [26]. Department of mines and minerals.
29 [27]. Kentucky registry of election finance.
30 [28]. Public Service commission.
31 [29]. Kentucky quarterhorse and appaloosa commission.
32 [30]. Kentucky state racing commission.
33 [31]. Kentucky harness racing commission.
34 [32]. Kentucky board of tax appeals.
35. Department of housing, buildings and construction.
III. Other departments headed by appointed officers:
1. Department of military affairs.
2. Department of personnel.
(a) Personnel board.
3. Department of public information.
4. Department of revenue.
5. Human rights commission.
6. Council on public higher education.
7. Teachers' retirement system.
8. Kentucky employees' retirement system.

9. Commission on women.
10. Kentucky tobacco research board.
11. Kentucky center for energy research.
12. Department for local government.
(a) Council for land use planning.
(b) County debt commission.
(c) Municipal statutes revision commission.
(d) County statutes revision commission.
(e) Local government advisory commission.
(f) Kentucky urban affairs council.

Section 3. KRS 12.023 is amended to read as follows:

(1) The following administrative bodies shall be attached to the office of the secretary of the cabinet and shall report directly to the governor:

(a) [Kentucky council of economic advisers.
(b)] Governor's judicial advisory council.
(b) [(c)] Council on public higher education (The state universities and colleges shall report through the council on public higher education).
(c) [(d)] Kentucky tobacco research board.
(d) Board of claims.
(e) Crime victims compensation board.

(2) The heads of the following departments and administrative bodies shall report to the secretary of the cabinet:

(a) Department of military affairs.
(b) Department of personnel.
(c) Department of public information.
(d) Department of revenue.
(e) Human rights commission.
(f) Teachers' retirement system.
(g) Kentucky employees' retirement system.
(h) Commission on women.
(i) Office for *program administration* [state planning].
(j) Department for local government.

Section 4. KRS 12.260 is amended to read as follows:

There is hereby established in the office of secretary for public protection and regulation*:*

(1) A deputy secretary, appointed by the secretary pursuant to KRS 12.050, who shall be responsible for and engaged in operations of the cabinet and any other duties as assigned by the secretary, and in the absence of the secretary, have authority over cabinet affairs; and

(2) The position of ombudsman. The ombudsman shall be appointed by the governor on the advice of the secretary for public protection and regulation. The ombudsman shall provide a review of complaints by citizens with regard to services rendered by the agencies in the cabinet for public protection and regulation that cannot be resolved through normal administrative remedies. The files of the ombudsman shall be made available to the secretary in order to guide the correction of operational difficulties and other causes of citizen complaint.

Section 5. KRS 12.265 is amended to read as follows:

The cabinets established in KRS 12.250 shall be composed of departments, boards and commissions as follows:

I. Cabinet for development
A. Department of agriculture
B. Department of commerce
C. Department of fish and wildlife resources
D. Department of parks
E. Department of energy
F. Kentucky historical events celebration commission
G. State fair board
H. *Office of developmental planning* [Kentucky geological survey]
I. Economic development commission
J. Governor's council on agriculture

K. Farmers advocate's office.
L. Council of economic advisors.
II. Cabinet for education and the arts
A. Kentucky arts commission
B. Department of education
C. The Kentucky authority for educational television
D. Kentucky heritage commission
E. Kentucky historical society
F. Department of library and archives
G. Bureau for the blind.
III. Cabinet for public protection and regulation
A. Department of alcoholic beverage control
B. Department of banking and securities
C. Department of insurance
D. Department of labor
E. Department of mines and minerals
F. Kentucky registry of election finance
G. Public service commission
H. Kentucky quarterhorse and appaloosa commission
I. Kentucky state racing commission
J. Kentucky harness racing commission
K. Kentucky board of tax appeals
L. Department of housing, buildings and construction.

SECTION 6. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

There is hereby created within the cabinet for development an office of developmental planning, which shall be headed by an executive director appointed by the secretary pursuant to KRS 12.050. The office shall provide the primary support for the development, evaluation, and measurement of overall objectives, polices, and programs relating to economic and community development, and it shall be a broad scope research unit capable of dealing with any phase of economic development.

Section 7. KRS 15.310 is amended to read as follows:

As used in KRS 15.310 to 15.510 and KRS 15.990 to 15.992, unless the context otherwise requires:

(1) "Council" means the Kentucky law enforcement council established by KRS 15.310 to 15.510 and KRS 15.990 to 15.992.

(2) "Bureau" means the bureau of training of the department of justice.

(3) "Law enforcement officer" means a member of a lawfully organized police unit or police force of [state,] county, city or metropolitan government who is responsible for the detection of crime and the enforcement of the general criminal laws of the state, as well as sheriffs, sworn deputy sheriffs, campus security officers, law enforcement support personnel, public airport authority security officers, other public and federal peace officers responsible for law enforcement, and private security guards licensed pursuant to state statute.

(4) "Secretary" means the secretary of the department of justice.

Section 8. KRS 15.330 is amended to read as follows:

The council is vested with the following functions and powers:

(1) To prescribe standards for the approval and continuation of approval of schools at which law enforcement training courses required under KRS 15.310 to 15.510 and KRS 15.990 to 15.992 shall be conducted, including but not limited to minimum standards for facilities, faculty, curriculum, and hours of attendance related thereto;

(2) To prescribe minimum qualifications for instructors at such schools, except that institutions of higher education shall be exempt from council requirements;

(3) To prescribe qualifications for attendance and conditions for expulsion from such schools;

(4) To approve, to issue and to revoke for cause certificates to schools and instructors as having met requirements under KRS 15.310 to 15.510 and KRS 15.990 to 15.992;

(5) To approve [and to issue certificates of approval of] law enforcement officers and other persons as having met requirements under KRS 15.310 to 15.510 and KRS 15.990 to 15.992;

(6) To inspect and evaluate schools at any time and to require of schools, instructors and persons approved or to be approved under the provisions of KRS 15.310 to 15.510 and KRS 15.990 to 15.992, any information or documents;

(7) [To make a continuing study of law enforcement training standards and upon request, to furnish information relating to standards for recruitment, employment, promotion, organization, management and operation of any law enforcement agency in Kentucky;

(8) To conduct continuing research on criminal law and criminal justice subjects related to law enforcement training;

(9)] To recommend reasonable rules and regulations to the secretary to accomplish the purposes of KRS 15.310 to 51.510 and KRS 15.990 to 15.992;

(8) [10)] To adopt bylaws for the conduct of its business not otherwise provided for;

(9) The provisions of KRS 15.310 to 15.510 and KRS 15.990 to 15.992 do not apply to the bureau of state police.

Section 9. KRS 15.340 is amended to read as follows:

Subject to approval by the secretary, the bureau may make its facilities and services available upon the following terms:

(1) The bureau may determine to which law enforcement agencies, corrections agencies and court agencies and its officers it will offer training;

(2) In determining the law enforcement officers for which it will offer training and in allocating available funds, the bureau shall give first priority to "police officers" as defined by KRS 15.420(2) *and* [,] public airport authority security officers [, and to the Kentucky state police];

(3) Except for the officers described in subsection (2), the bureau may determine whether persons to whom it offers training or agencies employing such persons must bear any or all costs of such training.

SECTION 10. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

There is hereby established in the office of the attorney general a division of natural resources and environmental law. Said division shall be directed by an assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of KRS 15.100 who shall carry out the duties imposed by this subdivision under the supervision of the attorney general and carry out such other duties as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of KRS 15.100 and such additional clerical, stenographic and other staff as may be necessary to carry out the provisions hereof within the limits of the appropriations made therefor.

SECTION 11. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

The division of natural resources and environmental law shall have the following powers, duties and functions:

(1) To prevent or remedy damage to the environment caused by any person, group, partnership, association, body corporate or politic, or any agency, department, board, commission, division or authority, whether state or federal, or by commencing or intervening in any suit or action in state or federal courts, whether civil or criminal, to enforce any statute, ordinance, by-law or regulation, or to secure any common law right or remedy.

(2) To counsel state agencies and commissions given the responsibility over environmental concerns including but not limited to the department for natural resources and environmental protection, department of mines and minerals, and public service commission.

(3) To exercise the common law powers of the attorney general in protecting the environment.

(4) To bring public nuisance and other actions in circuit courts in the name of the Commonwealth upon complaint by private citizens, when in the opinion of the attorney general the activity or activities complained of may have a substantial impact upon the environment of the Commonwealth.

(5) Nothing in this section shall be interpreted to derogate from any existing common law or statutory right or remedy against damage to the environment.

SECTION 12. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

The division of natural resources and environmental law is hereby authorized to call upon any other state department, agency, commission, authority or institution, for whatever help or assistance said division deems necessary to investigate and prosecute cases involving environmental damage, and such other departments, agencies, commissions, authorities, and institutions are hereby required to forthwith cooperate with and assist said division without charge.

Section 13. KRS 15A.030 is amended to read as follows:

The department of justice, in addition to the bureaus set forth in KRS 15A.020, shall consist of the following organizational units which are hereby created or reestablished:

(1) Office of secretary of justice comprised of the secretary of justice, *the* [and] Kentucky crime commission, *the Kentucky law enforcement council and the office of law enforcement programming.*

(2) Deputy secretary of justice.

(3) [(2)] Executive office of staff services.

(4) [(3)] Office *for* [of] public *advocacy* [defender], attached to the office of the secretary for administrative purposes.

(5) [(4)] Office of the general counsel.

Section 14. KRS 15A.060 is amended to read as follows:

The executive office of staff services shall be headed by an administrator who shall be appointed by and be directly responsible to the secretary. The administrator shall have such authority and responsibility as may be delegated by the secretary. *The office shall serve as the state planning agency for purposes of compliance with the federal crime control and safe streets act of 1968, as amended, and provide staff services to the Kentucky crime commission relating to the administration of federally supported programs pursuant to the above referenced Act.*

Section 15. KRS 15A.070 is amended to read as follows:

(1) The bureau of training shall establish, supervise and coordinate training programs and schools for law enforcement personnel, correction personnel, court personnel and any other justice or non-law enforcement related personnel as prescribed by the secretary.

(2) The bureau of training shall make a continuing study of law enforcement training standards and upon request, may furnish information relating to standards for recruitment, employment, promotion, organization, management and operation of any law enforcement agency in Kentucky.

(3) The bureau of training shall conduct continuing research on criminal law and criminal justice subjects related to law enforcement training.

Section 16. KRS 15A.080 is amended to read as follows:

The parole board and the commission on corrections and community services shall be attached to the office of the commissioner, bureau of corrections, for administrative purposes. The Kentucky law enforcement council shall be attached to the office of the *secretary of justice* [commissioner, bureau of training,] for administrative purposes. The commission on corrections and community services shall advise the *secretary of justice* [commissioner, bureau of training], on appropriate correctional training programs and evaluation thereof.

SECTION 17. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The deputy secretary of justice shall be appointed by and directly responsible to the secretary and shall be the principal assistant and advisor to the secretary for all policies, programs and operations of the department.

Section 18. KRS 18.140 is amended to read as follows:

(1) The classified service to which KRS 18.110 to 18.360 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:

(a) The general assembly and employes of the general assembly including the employes of the legislative research commission;

(b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;

(c) Members of boards and commissions;

(d) Officers and employes on the staff of the governor, the lieutenant governor, the office of *program administration* [state planning], and the office of the secretary of the governor's cabinet;

(e) Heads of departments, including those appointed by boards and commissions;

(f) One (1) principal assistant or deputy for each head of a department;

(g) One (1) additional principal assistant or deputy, or other major assistants as may be necessary for making and carrying out policy, for each head of a department in those instances in which the nature of the functions, size or complexity of the agency involved are such that the personnel board may approve such an addition or additions on petition of the department head approved by the commissioner of personnel;

(h) Division directors subject to the provisions of KRS 18.150;

(i) Physicians employed as such in institutions for treatment of patients with mental illness or tuberculosis;

(j) One (1) private secretary for each head of a department and for each principal assistant or deputy not included in the classified service;

(k) The judicial department, referees, receivers, jurors, and notaries public;

(l) Officers and members of the staffs of state universities and colleges and student employes of such institutions, provided that said institutions shall establish and implement a personnel system embodying the principles in KRS 18.110 to 18.360 applicable to faculty members and staff; and officers, teachers, and employes of local boards of education;

(m) Patients or inmates employed in state institutions;

(n) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the general assembly, or a committee thereof, or by authority of the governor;

(o) Seasonal, temporary, and emergency employes;

(p) Federally funded time-limited employes;

(q) Officers and members of the state militia;

(r) Peace officers in the department of justice, Provided that said department shall maintain a personnel system embodying the principles herein applicable to peace officers;

(s) University or college engineering students or other students employed part-time or part-year by the state through special personnel recruitment programs; provided that while so employed such aides shall be under contract to work full-time for the state after graduation for a period of time approved by the commissioner;

(t) Superintendents of state penal and correctional institutions as referred to in KRS 196.180(2);

(u) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311;

(v) County and commonwealth's attorneys and their respective appointees.

(2) Nothing in KRS 18.110 to 18.360 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and KRS 150.061.

(3) Nothing herein is intended or shall be construed to affect any nonmanagement, nonpolicy-making position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.

(4) Classified employes with status promoted to positions exempted from classified service may, upon termination of their employment in the exempted service, revert to their classified status, but not necessarily to a particular position in the classified service.

(5) Nothing herein shall be construed as precluding appointing officers from filling nonclassified positions in the manner in which positions in the classified service are filled except as otherwise provided herein.

Section 19. KRS 31.010 is amended to read as follows:

There is hereby established as an independent agency of state government the office *for* [of] public *advocacy* [defender], in order to provide for the establishment, maintenance and operation of a state sponsored and controlled system for*:*

(1) The representation of indigent persons accused of crimes or mental states which may result in their incarceration or confinement*; and*

(2) The pursuit of legal, administrative, and other appropriate remedies to insure the protection of the rights of the developmentally disabled. For the purposes of this Act, "developmentally disabled" shall be defined as provided in Public Law 94-103, or as amended.

Section 20. KRS 31.020 is amended to read as follows:

(1) The office *for* [of] public *advocacy* [defender] shall consist of the public *advocate* [defender], deputy public *advocate* [defender], such assistant public *advocates* [defenders] as the public *advocate* [defender] shall deem necessary, and such secretarial and other personnel as the public *advocate* [defender] shall deem necessary.

(2) The public *advocate* [defender] shall be appointed by the secretary of justice with the prior approval of the governor after the secretary has received recommendations for the appointment from the Kentucky bar association. The public *advocate* [defender] shall be directly responsible to the secretary. The public *advocate* [defender] shall be compensated at a rate not greater than twenty-seven thousand dollars ($27,000) per year, and shall serve a term of four (4) years, unless removed by the governor.

(3) The deputy public *advocate* [defender] shall be an attorney and shall be appointed by the public *advocate* [defender] and shall serve at his pleasure.

(4) The assistant public *advocates* [defenders] shall be attorneys, shall be appointed by the public *advocate* [defender], and shall be covered by the merit system.

(5) Secretarial, clerical, and other personnel shall be appointed by the public *advocate* [defender], and shall be covered by the merit system.

Section 21. KRS 31.030 is amended to read as follows:

The duties of the office *for* [of] public *advocacy* [defender] shall include, but are not limited to:

(1) Administering the statewide public *advocacy* [defender] system created by this chapter or by any other appropriate legislation or court decision;

(2) Providing technical aid to local counsel representing indigents;

(3) Assisting local counsel on appeals or taking appeals for local counsel, in the same manner as such appeals for the Commonwealth are presently handled by the attorney general;

(4) Developing and promulgating standards and regulations, rules, and procedures for administration of the defense of indigent defendants in criminal cases which the public *advocate* [defender], statutes, or the courts determine are subject to public assistance;

(5) Appointing district public *advocates* [defenders];

(6) Reviewing local plans for providing counsel for indigents;

(7) Conducting research into methods of improving the operation of the criminal justice system with regard to indigent defendants and other defendants in criminal actions;

(8) Issuing such rules, regulations, and standards as may be reasonably necessary to carry out the provisions of this chapter, the decisions of the United States Supreme Court, the decisions of the Kentucky Supreme Court, Court of Appeals, and other applicable court decisions or statutes; [and]

(9) *Being authorized to pursue legal, administrative, and other appropriate remedies to insure the protection of the rights of the developmentally disabled; and*

(10) Do such other things and institute such other programs as are reasonably necessary to carry out the provisions of this chapter, or those decisions or statutes which are the subject of subsection (8) of this section.

Section 22. KRS 31.050 is amended to read as follows:

(1) The public *advocate* [defender] shall review and approve or deny or suggest modifications to all plans which are submitted to the office *for* [of] public *advocacy* [defender] for defense of indigent persons.

(2) If the plan for defense of indigent persons is approved the public *advocate* [defender] may allot a sufficient sum, subject to the approval of the *secretary* [commissioner] of the executive department for finance and administration to the county or counties in the judicial circuit involved for the purpose of assisting the said plan. The moneys shall be divided among the counties in the circuit as provided by the plan which is submitted. At the end of each funding period any moneys not expended shall revert to the state office *for* [of] public *advocacy* [defender]. Counties and other units submitting applications under this chapter shall be obligated to pay and shall pay all costs incurred in their own defense of indigent programs which are in excess of the maximum amount allotted or other maximum amount of grant as specified in this chapter.

Section 23. KRS 31.060 is amended to read as follows:

Each county with a judicial district containing ten (10) or more circuit judges shall establish and maintain an office of district public *advocacy* [defender] and submit a plan for the operation thereof to the office *for* [of] public *advocacy* [defender]. If the plan submitted is approved by the office *for* [of] public *advocacy* [defender] the public *advocate* [defender] shall grant to the county the amount to which it would be entitled under KRS 31.050(2) which shall be used as the Commonwealth's share in defraying the expenses of the program in that district. The county and other units contributing to the costs of the program shall be obligated to pay and shall pay all costs incurred in the operation of the defense of indigents program which are in excess of the state contribution. Any excess of moneys remaining at the end of the funding period shall be returned to the office *for* [of] public *advocacy* [defender].

Section 24. KRS 31.065 is amended to read as follows:

If a county or district chooses none of the alternatives provided by KRS 31.160 or if a plan submitted to the public *advocate* [defender] is denied as provided by KRS 31.050, then the public *advocate* [defender] may establish in a county containing less than ten (10) circuit judges (a) an office of district public *advocate* [defender], which shall be staffed by a district public *advocate*[defender] who shall be an attorney, and any number of assistant public *advocates* [defenders] necessary to perform adequately the functions of said office, or (b) an assigned counsel plan as described in KRS 31.160(1)(c).

Section 25. KRS 31.070 is amended to read as follows:

If a judicial circuit, through the county or counties therein, adopts a plan involving appointed counsel the public *advocate* [defender] is hereby authorized to pay reasonable and necessary fees and expenses subject to the following limitations:

(1) No fee shall be paid in excess of $1,000 for any defense of a single person in any case;

(2) In the case of multiple defendants no fee shall be paid in excess of $1,000 for each defendant in the case; and

(3) Each fee plus expenses incurred in the defense shall be presented by the defense attorney to the circuit court judge who shall review the fee and expenses request and shall approve, deny, or modify the amount of compensation and fee listed therein. After final approval of the fee and expenses the circuit judge shall, if state compensation is desired, certify the amount and transmit the document to the public *advocate*

[defender] who shall review the fee and expense request and shall approve, deny, or modify the request. The request as approved or modified shall then be paid. Requests for payment of assigned counsel by the state shall be denied if the district has exceeded the amount of funds which may be allotted to it, if the district plan has not been approved, or if the public *advocate* [defender] finds that compensation is otherwise not warranted. The decision of the public *advocate* [defender] in all matters of fee and expense compensation shall be final.

Section 26. KRS 31.080 is amended to read as follows:

The public *advocate* [defender] is hereby authorized to seek and apply for and solicit funds for the operation of the defense of the indigent, *or protection of the developmentally disabled* programs from any source, public or private, and to receive donations, grants, awards, and similar funds from any legal source. Said funds shall be placed in a special account for the office *for* [of] public *advocacy* [defender] and said funds shall not lapse.

Section 27. KRS 31.100 is amended to read as follows:

With regard to the district public *advocate* [defender] and approved local programs of providing counsel for indigents the following terms and standards shall apply, subject to further definition and regulation by the office *for* [of] public *advocacy* [defender].

(1) "Detain" means to have in custody or otherwise deprive of freedom of action;

(2) "Expenses," when used with reference to representation under this chapter, includes the expenses of investigation, other preparation, and trial, together with the expenses of any appeal;

(3) "Needy person" or "indigent person" means a person who at the time his need is determined is unable to provide for the payment of an attorney and all other necessary expenses of representation;

(4) "Serious crime" includes:

(a) A felony;

(b) A misdemeanor or offense any penalty for which includes the possibility of confinement or a fine of five hundred dollars ($500) or more; and

(c) An act that, but for the age of the person involved, would otherwise be a serious crime.

Section 28. KRS 31.115 is amended to read as follows:

(1) It shall be the duty of the attorney representing a client under any public *advocacy* [defender] plan to perfect an appeal if his client requests an appeal.

(2) After the attorney has filed a notice of appeal as required by the Rules of Criminal Procedure, he shall forward to the office *for* [of] public *advocacy* [defender] a copy of the final judgment, the notice of appeal, a statement of any errors committed in the trial of the case which should be raised on appeal, and a designation of that part of the record that is essential to the appeal.

(3) No attorney participating in any public *advocacy* [defender] plan shall be compensated for his services until he has perfected an appeal for a client who requests an appeal and has filed the information required in subsection (2) of this section.

(4) Any public *advocate* [defender] attorney who is representing a client on appeal who after a conscientious examination of said appeal believes the appeal to be wholly frivolous after careful examinations of the record may request the court to which the appeal has been taken for permission to withdraw from the case. The attorney must file with that request a brief which sets forth any arguments which might possibly be raised on appeal. A copy of the request for permission to withdraw and the brief must be served upon the client in sufficient time so that the client may raise any argument he chooses to raise.

Section 29. KRS 31.120 is amended to read as follows:

(1) The determination of whether a person covered by KRS 31.110 is a needy person shall be deferred no later than his first appearance in court or in a suit for payment or reimbursement under KRS 31.170, whichever occurs earlier. Thereafter, the court concerned shall determine, with respect to each step in the proceedings, whether he is a needy person. However, nothing herein shall prevent appointment of counsel at the earliest necessary proceeding at which said person is entitled to counsel, upon declaration by said person that he is needy under the terms of this chapter. In such event the person involved shall be required to make reimbursement for the representation involved if he later is determined not a needy person under the terms of this chapter.

(2) In determining whether a person is a needy person and in determining the extent of his inability to pay, the court concerned shall consider such factors as income, property owned, outstanding obligations, and the number and ages of his dependents. Release on bail, or any other method of release provided in KRS Chapter 431, does not necessarily prevent him from being a needy person. In each case, the person, subject to the penalties for perjury, shall certify by affidavit of indigency compiled by the pre-trial release officer, where practical, as provided under Chapter 431 and Supreme Court rules or orders promulgated pursuant thereto,

such material factors relating to his ability to pay in such form as the Supreme Court prescribes.

(3) To the extent that a person covered by KRS 31.110 is able to provide for an attorney, the other necessary services and facilities of representation, and court costs, the court shall order him to provide for their payment in an amount determined by the court and may order that such payment be made in a lump sum or by installment payments. Such determination shall be made at each stage of the proceedings.

(4) The court shall order all monies collected pursuant to subsection (3) above be paid to the clerk of that court pursuant to the schedule of payment. The clerk shall forward to the office *for* [of the] public *advocacy* [defender] on a monthly basis a copy of all such orders and the monies collected pursuant thereto with an accounting as to each case.

(5) The affidavit of indigency shall be as set out herein:

Commonwealth of Kentucky
County of ______________

Affiant , being first duly sworn says that he is not now represented by private counsel and that he does not have the money or assets out of which to employ one; that he is indigent and requests the court to appoint counsel.

Affiant states that his income is ---------; that he owns the following property:

Description	Value
______________	______________
______________	______________
______________	______________;

that he has the following dependents:

Name	Age	Relationship
____________	______	____________
____________	______	____________
____________	______	____________;

and that he has the following obligations:

To whom owed	Amount owing
____________	____________
____________	____________
____________	____________.

Signature of affiant

Subscribed and sworn to before me this , day of -------, 19--.

Signature and title of officer
administering the oath

Any persons making false statements in the above affidavit shall be subject to the penalties for perjury under KRS Chapter 523, the maximum penalty for which is five years imprisonment.

Section 30. KRS 31.130 is amended to read as follows:

At any stage, including appeal or other post-conviction proceeding, the public *advocate* [defender] may for good cause assign a substitute attorney. The substitute attorney has the same functions with respect to the needy person as the attorney for whom he is substituted. The court shall prescribe reasonable compensation for him and approve the expenses necessarily incurred by him in the defense of the needy person, and shall, if state compensation is desired, forward the request to the office *for* [of] public *advocacy* [defender].

Section 31. KRS 31.150 is amended to read as follows:

(1) The public *advocate* [defender], on behalf of the Commonwealth of Kentucky, shall recover where practical payment or reimbursement, as the case may be, from each person or his estate who has received legal assistance or another benefit under this chapter:

(a) To which he was not entitled;

(b) With respect to which he was not a needy person when he received it; or

(c) With respect to which he has failed to make the certification required by KRS 31.120(2);

(d) For funds not paid as ordered pursuant to KRS 31.120(3); and

(e) For which he refuses to pay or reimburse. Suit must be brought within five (5) years after the date on which the aid was received.

(2) The public *advocate* [defender], on behalf of the Commonwealth of Kentucky, shall recover where practical payment or reimbursement, as the case may be, from each person, other than a person covered by subsection (1), who has received legal assistance under this chapter and who, on the date on which suit is brought, is financially able to pay or reimburse the Commonwealth of Kentucky for it according to the standards of ability to pay applicable under KRS 31.100(3), 31.110(1) and 31.120(2), but refuses to do so. Suit

must be brought within five (5) years after the date on which the benefit was received.

(3) Amounts recovered under this section shall be paid into a special account for the office *for* [of] public *advocacy* [defender].

(4) Any attorney participating in a public *advocacy* [defender] plan shall forward all information which he may have which indicates that payment or reimbursement may be obtained pursuant to subsections (1) and (2) of this section.

Section 32. KRS 31.160 is amended to read as follows:

(1) The fiscal court of each county, except in counties wherein the judicial district is required to maintain a public *advocate* [defender] under this chapter and in such case the county shall contribute to the funding of the district public *advocate* [defender] in such amounts as the office *for* [of] public *advocacy* [defender] shall deem reasonable and necessary, may provide for the representation of needy persons who with respect to serious crimes are subject to proceedings in the county or are detained in the county by law enforcement officers. They may provide this representation by:

(a) Establishing and maintaining an office *for* [of] public *advocacy* [defender];

(b) Arranging with an appropriate nonprofit organization to provide attorneys;

(c) Arranging with the courts of criminal jurisdiction in the county to assign attorneys on an equitable basis through a systematic coordinated plan and, if the county contains a city of the first or second class under the guidance of an administrator; or

(d) Adopting a combination of these alternatives.

(e) If a county chooses none of the alternatives set forth herein, the state shall provide a district public *advocate* [defender] as provided by this chapter.

(2) The fiscal court of a county may join with one or more other counties in its judicial district or elsewhere or with any cities located within the said county or counties in providing this representation; said agreements to be made pursuant to the provisions of KRS chapter 65.

(3) If it elects to establish and maintain an office *for* [of] public *advocacy* [defender], and if the appropriate legislative authorities and fiscal courts concerned respectively agree on qualifications, term of office, compensation, support and appointment under KRS 31.170(1), the fiscal court of a county may join with cities within said county and with the fiscal court of one or more other counties to establish and maintain a joint office *for* [of] district public *advocacy* [defender]. In that case, the participating counties shall be treated for the purposes of this chapter as if they were one (1) county. Said agreements shall be made pursuant to the provisions of KRS chapter 65.

(4) If the fiscal court of a county elects to arrange with the courts of criminal jurisdiction in the county to assign attorneys, a court of the county may provide for advance assignment of attorneys, subject to later approval by it, to facilitate representation in matters arising before appearance in court.

Section 33. KRS 31.165 is amended to read as follows:

All plans authorized by KRS 31.160 shall conform to all rules and regulations promulgated by the office *for* [of] public *advocacy* [defender].

Section 34. KRS 31.170 is amended to read as follows:

(1) If the fiscal court of a county elects to establish and maintain an office *for* [of] public *advocacy* [defender], they shall:

(a) Appoint the district public *advocate* [defender] and any number of assistant district public *advocates* [defenders] necessary to adequately perform the functions of said office.

(b) Prescribe the qualification of the district public *advocate* [defender], his term of office which may not be more than four (4) years and fix the rate of annual compensation for him and his assistants. In order to be qualified for appointment as public *advocate* [defender] a person must have been admitted to the practice of law and licensed to practice in the Commonwealth of Kentucky and be competent to counsel and defend a person charged with a crime.

(c) Provide for the establishment, maintenance and support of his office.

(2) If the fiscal court of a county elects to arrange with a non-profit organization to provide *attorneys* [defenders], the county and any cities involved may reimburse the organization for such expenses as the fiscal courts respectively concerned have determined to be necessary in the representation of needy persons under this chapter, or may provide facilities described in KRS 31.180 (2) (a) in addition to or in lieu of said reimbursement.

(3) If a court assigns an attorney to represent a needy person it shall prescribe a reasonable rate of compensation for his services and shall determine the direct expenses necessary to representation for which he would be reimbursed. The county shall pay the attorney the amounts so prescribed from the funds made available by the office *for* [of] public *advocacy* [defender].

(4) An attorney under subsection (3) shall be compensated for his services with regard to the complexity of the issues, the time involved, and other relevant considerations. However, he may be compensated at a rate no higher than thirty dollars ($30) an hour for time spent in court and no higher than twenty dollars ($20) an hour for time spent out of court subject in each case to a maximum total fee of one thousand dollars ($1000) in case of a felony and five hundred dollars ($500) in any other case, unless the court concerned finds that special circumstances warrant a higher total fee.

Section 35. KRS 31.180 is amended to read as follows:

(1) If an office *for* [of] county or district public *advocacy* [defender] has been established by the county or district, that public *advocate* [defender] may employ, in the manner and at the compensation prescribed by the fiscal court or interlocal agreement, as many assistants, clerks, investigators, stenographers and other persons as are necessary for carrying out his responsibilities under this chapter. A person employed under this section serves at the pleasure of the county or district public *advocate* [defender], unless his position is under a civil service system in which he may be removed only for cause.

(2) If an office *for* [of] county or district public *advocacy* [defender] has been established, the fiscal court or courts shall:

(a) Provide appropriate facilities, including office space, furniture, equipment, books, postage, supplies and interviewing facilities in the jail, necessary for carrying out the public *advocate's* [defender's] responsibilities under this chapter; or

(b) Grant the county or district public *advocate* [defender] an allowance in place of those facilities.

Section 36. KRS 31.200 is amended to read as follows:

(1) Subject to KRS 31.190, any direct expense, including the cost of a transcript or bystander's bill of exceptions or other substitute for a transcript that is necessarily incurred in representing a needy person under this chapter, is a charge against the county on behalf of which the service is performed.

(2) If two (2) or more counties jointly establish an office *for* [of] public *advocacy* [defender], the expenses not otherwise allocable among the participating counties under subsection (1) shall be allocated, unless the counties otherwise agree, on the basis of population according to the most recent decennial census.

(3) Expenses incurred in the representation of needy persons confined in a state correctional institution shall be borne by the state office *for* [of] public *advocacy* [defender].

Section 37. KRS 31.210 is amended to read as follows:

(1) A defending attorney shall keep appropriate records respecting each needy person whom he represents under this chapter.

(2) The public *advocate* [defender], nonprofit organization, or person administering a court-assigned *advocacy* [defender] plan, as the case may be, shall submit an annual report to the office *for* [of] public *advocacy* [defender] showing the number of persons represented under this chapter, the crimes involved, the outcome of each case, and the expenditures (totalled by kind) made in carrying out the responsibilities imposed by this chapter. A copy of the report shall also be submitted to each fiscal court and to each court having criminal jurisdiction in the counties that the program serves.

Section 38. KRS 31.240 is amended to read as follows:

In the area of relation of local programs to the state program the following are permitted:

(1) Each county or counties in a district may compensate district *advocates* [defenders], under their own employ at rates greater than the state district *advocate* [defender] but must pay from their own funds all amounts in excess of the state contribution.

(2) Each county or counties in a district may adopt their own plan of aid to the indigent provided all plans in a district, viewed as a whole, are approved by the office *for* [of] public *advocacy* [defender].

(3) Each county or counties providing for assigned counsel may compensate them at rates provided for in KRS 31.170, however, the state contribution to such compensation shall not be greater than is provided for by KRS 31.070. The county or counties shall be obligated to pay and shall pay all amounts in excess of the state contribution. No county shall be required to pay the maximum amounts provided for in KRS 31.170 unless the amounts be approved by the circuit judge.

Section 39. KRS 31.250 is amended to read as follows:

(1) No attorney participating in a public *advocacy* [defender] plan shall accept any fees for the representation of any needy person as defined in this chapter from that person or anyone for his benefit and the fees for representation of that person shall be limited to the fees provided in this chapter. "Fees" shall include cash, property, or other pecuniary benefits of any kinds.

(2) Any attorney participating in a public *advocacy* [defender] plan who receives or attempts to collect a fee from a needy person as prohibited by subsection (1) above shall be guilty of a Class D Felony.

Section 40. KRS 36.010 is amended to read as follows:

The department of military affairs shall have charge of and be responsible to the governor for the proper functioning of the Kentucky national guard, militia and all other military or naval matters of the state, and shall consist of the following divisions:

(1) Administrative divisions;
(2) Veterans division;
(3) Facilities division;
(4) Active militia division;
(5) Army national guard division;
(6) Air national guard division;
(7) Kentucky civil air patrol.

In order to promote greater efficiency, economy and improved administration, the divisional structure of the department of military affairs may be changed, redesignated or reorganized in accordance with KRS chapter 12.

Section 41. KRS 42.011 is amended to read as follows:

There is established a department of state government to be known as the executive department for finance and administration (hereinafter referred to in KRS chapter 42 as the "department"). The department shall be headed by the *secretary* [commissioner] of the executive department for finance and administration (hereinafter referred to in KRS chapter 42 as the *"secretary"* ["commissioner"]), which office is hereby created. The *secretary* [commissioner] shall be appointed by the governor and shall in addition be ex officio the secretary of the cabinet, which office is hereby created. The *secretary* [commissioner] shall be bonded as required by KRS 62.160 in the minimum amount of one hundred thousand dollars ($100,000).

Section 42. KRS 42.012 is amended to read as follows:

The *secretary* [commissioner] shall be the chief financial officer of the state and the adviser of the governor and the general assembly in financial matters, and shall at all times protect the financial interests of the state. He shall be responsible to the governor for the administration of the department.

Section 43. KRS 42.013 is amended to read as follows:

(1) The office of the *secretary* [commissioner] of the executive department for finance and administration which is hereby created shall include a *deputy secretary who* [chief executive assistant, a deputy commissioner for special projects, and a deputy commissioner for the bureau of facilities management each of whom] shall be appointed by the *secretary* [commissioner] with the approval of the governor. The *deputy secretary* [chief executive assistant] shall be responsible to and have such authority to sign for the *secretary* [commissioner] as the *secretary* [commissioner] designates in writing.

(2) There shall be a general counsel appointed pursuant to KRS 12.210 attached to the office of the *secretary* [commissioner] to provide legal services for the department. The attorney general on request of the *secretary* [commissioner] may designate the general counsel as an assistant attorney general pursuant to KRS 15.105.

(3) The *secretary* [commissioner] may employ and maintain, with the approval of the department of personnel, such other supporting staff as he deems necessary to execute the functions, duties, and responsibilities of the department.

(4) All appointments under this chapter to positions not in the classified service shall be made pursuant to KRS 12.050 and such appointees shall be major assistants to the *secretary* [commissioner] and shall assist in the development of policy.

Section 44. KRS 42.014 is amended to read as follows:

(1) There is established within the department the office for policy and management and the office *of air transport* [for local government], each of which shall be headed by an executive director responsible to the *secretary* [commissioner] and appointed by the *secretary* [commissioner] upon approval of the governor. *The executive director of the office for policy and management shall have the rank and style of deputy secretary of the department, which position shall be in addition to the position of deputy secretary authorized by KRS 42.013.* [Each of the offices shall have the duties and responsibilities assigned to it by Executive Orders 72-1167, 72-1168, 72-1169, 73-425 and 73-918 until changed by the commissioner.]

(2) There is established within the department a bureau of administrative services, *a bureau of computer services, a bureau of facilities management and a bureau of public properties* [and an office of computer services], each of which shall be headed by a *commissioner* [director] responsible to the *secretary* [commissioner] and appointed by the *secretary* [commissioner] upon approval of the governor. [There is established within the department a bureau of facilities management which shall be headed by the deputy

commissioner for the bureau of facilities management.] Each of the bureaus shall have the duties and responsibilities assigned to it by the *secretary* [commissioner].

(3) The *secretary* [commissioner] shall establish the internal organization and assignment of functions which are not established by statute, and shall divide the department into such offices, bureaus, divisions or other units as the *secretary* [commissioner] may deem necessary to perform the functions, powers and duties of the department, subject to the provisions of KRS chapter 12.

Section 45. KRS 42.016 is amended to read as follows:

The following corporate bodies and instrumentalities of the Commonwealth shall be attached to the office of the *secretary* [commissioner] for administrative purposes and staff services:

(1) State planning committee;
(2) [Kentucky urban affairs council;
(3)] Kentucky health and geriatric authority;
(3) [(4)] Turnpike authority of Kentucky;
(4) [(5)] State property and buildings commission;
(5) [(6)] Kentucky housing corporation;
(6) [(7)] Kentucky pollution abatement authority;
(7) [(8)] Capital plaza authority;
(8) [(9)] Kentucky savings bond authority;
[(10) County debt commission.]
(9) County officials compensation board;
(10) Kentucky public employes deferred compensation board;
(11) Governor's design advisory council.

Section 46. KRS 42.170 is amended to read as follows:

All of the functions of the state local finance officer provided in KRS chapters 66, 68, 103 and 131 relating to the issuance of bonds and control of funds of counties, cities and other local units and county financial administration shall be exercised by the [executive] department for *local government* [finance and administration].

SECTION 47. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established the governor's advisory council to the office of volunteer services inside the department. The council shall advise the governor and the department on the need for and improvement of volunteer services throughout the Commonwealth.

(2) The council shall consist of ten (10) members appointed by the governor, who may designate one member as chiarman. Following the initial appointments, terms shall be for a period of three (3) years. Members shall receive twenty-five dollars ($25) per diem and necessary expenses for performance of their duties.

SECTION 48. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

The office for policy and management established in the executive department for finance and administration by KRS 42.014 shall have and perform functions and duties as follows:

(1) Assist with the staff planning functions of the state planning committee. The deputy secretary of the executive department for finance and administration for the office for policy and management shall serve as secretary of the state planning committee.

(2) Statewide clearinghouse functions and statewide plan review and coordination as provided by Memorandum A-95 of the United States Office of Management and Budget; program plan review and analysis; executive policy implementation and compliance; and, capital outlay planning.

(3) Functions vested in the executive department for finance and administration relative to the preparation, administration, and evaluation of the executive budget as provided in KRS Chapter 45 and in other laws, including but not limited to, capital construction budgeting, evaluation of state programs, program monitoring, financial and policy analysis and issue review.

(4) Continuous evaluation of statewide management and administrative procedures and practices, including but not limited to, organizational analysis and review, economic forecasting, technical assistance to state agencies, forms control, and special analytic studies as directed by the secretary or the governor.

(5) The department's functions relative to state debt and investment management, including but not limited to, the sale of bonds, surplus funds management, and debt service payments.

(6) Except as otherwise provided by law, the coordination of federal-state relations, including but not limited to, coordinating the flow of information between the federal and state governments; federal revenue sharing monitoring within this state; federal legislation review; coordination and oversight of federal aid programs; and federal-state relations policy.

SECTION 49. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

The office of air transport established in the executive department for finance and administration by KRS 42.014 shall be responsible for the management, administration and operational control of the Capital City Airport and of all air related real properties and appurtenances thereto located at the Capital City Airport not under the exclusive control of another state agency, and shall provide for and oversee the maintenance and care of all state-owned aircraft and control the scheduling and operational use thereof by all state agencies, and attend to the collection from using agencies and officers of the cost of operating said aircraft. Subject to the approval of the secretary as to the reasonableness thereof, the office for air transport shall establish in accordance with applicable federal and state rules and regulations, fees to be paid by users of the services and facilities of the Capital City Airport. The office of air transport shall be divided for administrative purposes into a division of airport operations and a division of flight operations, each of which shall be headed by a director appointed by the secretary with the approval of the governor.

SECTION 50. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

There is hereby recognized as established in the bureau of administrative services, executive department for finance and administration, a division of accounts and a division of purchases, each of which shall be headed by a director responsible to the commissioner of the bureau of administrative services and appointed by the secretary, subject to the approval of the governor. The division of accounts shall perform such financial record keeping functions as the secretary directs and shall in general be responsible for and perform the functions of the department as outlined in KRS 45.300 and 45.320. The division of purchases shall be responsible for the performance of the department's purchasing functions under KRS 45.360 through 45.510, except those purchasing functions related to the acquisition of interests in real property, and contractual and construction services which are related to and required in connection with the construction, renovation and repair of state-owned buildings.

SECTION 51. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) The division of printing and duplicating services is established in the bureau of administrative services, executive department for finance and administration. The division shall be headed by a director who shall be appointed by the secretary subject to the approval of the governor and who shall be responsible to and report to the commissioner of the bureau. The division shall include printing consultants to advise and assist state agencies in advance planning on an annual basis of their printing needs and a forms control unit to review the requirements of state agencies for various kinds of forms and to advise and assist state agencies in forms control, development and revisions.

(2) The division of printing and duplicating services shall provide for and supply the printing and duplicating needs of state agencies located or having their central offices in the Frankfort-Franklin County area. The provisions of KRS 57.021 notwithstanding, no program cabinet, department, agency, office or constitutional officer of the state, except the legislative research commission and the attorney general, having offices at the seat of government or required to have their offices at the seat of government, shall operate a printing or duplicating plant.

SECTION 52. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

The bureau of computer services established in the executive department for finance and administration by KRS 42.014 shall be responsible for and perform the department's functions in coordinating and supervising data processing, computers and governmental information systems as provided by KRS 42.030. The bureau shall include a deputy commissioner who shall be appointed by the secretary, subject to the approval of the governor, who shall be responsible to the commissioner of the bureau and shall perform such duties under the commissioner's supervision as may be assigned or delegated by the commissioner. The bureau shall be divided for administrative and operational purposes into a division of customer services, a division of computer operations and a division of telecommunications support, each of which shall be headed by a director appointed by the secretary subject to the approval of the governor and responsible to the commissioner of the bureau. The commissioner of the bureau shall provide for the distribution of the bureau's work among the divisions within the bureau.

SECTION 53. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

The bureau of facilities management established in the executive department for finance and administration by KRS 42.014 shall be generally responsible for performance of the department's functions and duties as outlined in KRS Chapters 45 and 56 with relation to the management and administration of the state capital construction program, including without limitation to the generality thereof, the procurement of necessary consulting services related to capital construction and building renovation projects, construction services, and supervision of building construction projects, and for the maintenance and operation of the state government's telecommunications systems. The bureau shall include a deputy commissioner who shall be appointed by the secretary, subject to the approval of the governor, who shall be responsible to the commissioner of the bureau and shall perform such duties under the commissioner's supervision as may be assigned or delegated by the commissioner. The bureau shall be divided for administrative and operational purposes into a division of engineering, a division of contracting and procurement, and a division of telecommunications, each of which shall be headed by a director appointed by the secretary, subject to the approval of the governor and responsible to the commissioner of the bureau. The commissioner of the bureau shall provide for the distribution of the bureau's work among the divisions within the bureau.

SECTION 54. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) The bureau of public properties established in the executive department for finance and administration by KRS 42.014 shall be responsible for the administration and performance of the department's functions and duties under KRS Chapters 45 and 56, in the areas of acquiring real property and interests in real property needed for use by state agencies; the disposition of real and personal property no longer needed for use by the state; the formulation of preventive maintenance programs for state agencies and institutions and mechanical and building maintenance programs; space utilization and allocation; property inventories, housekeeping, landscaping, routine maintenance and security of state facilities located in Frankfort, and such other functions and duties relative to the management and control of the state's real property as may be assigned by the secretary.

(2) There shall be included in the bureau a deputy commissioner who shall be appointed by the secretary, subject to the approval of the governor, and who shall be responsible to the commissioner of the bureau and shall under the commissioner's supervision perform such duties as may be assigned or delegated by the commissioner.

(3) The bureau shall be divided for administrative purposes into a division of real properties, a division of property management and a division of physical plant, each of which shall be headed by a director appointed by the secretary, subject to the approval of the governor, and each of whom shall be responsible and report to the commissioner of the bureau. The commissioner shall provide for the distribution of the bureau's work among the divisions within the bureau.

Section 55. KRS 45.320 is amended to read as follows:

The executive department for finance and administration shall:

(1) Within ten (10) days after the close of each month, furnish each budget unit with copies of the department's active accounts with the appropriations and allotments in favor of that budget unit, showing all the transactions recorded in the previous month and the balances as of the beginning and end of that month.

(2) Within ten (10) days after the close of each month, prepare and transmit to the governor a report embodying a summary statement of the actual financial condition of each fund as of the close of the previous month, a summary statement showing the receipts and payments of each fund for the previous month and for the current fiscal year to the close of the previous month, a summary budget statement for each fund showing the available cash balance as of the end of the previous month, the amount of cash estimated to be realized from each source during the remaining months of the fiscal year, the total means of financing, the amount of the unallotted balances of appropriations, the estimated amount of unliquidated commitments, and the estimated cash surplus or deficit.

(3) On or before January 1 of each year, file with the governor a complete report of the financial transactions of the preceding fiscal year and of the financial condition of the state as of the end of that fiscal year, with such comments and supplementary data as it deems necessary to make the report complete and easy to understand.

[(4) Each department head and cabinet secretary shall, within thirty (30) days following December 31, 1974, June 30, 1975, and each six months thereafter submit to the governor, with a copy to the legislative research commission and the commissioner of the executive department for finance and administration, a report, to be known as the "program status report," showing for each program and, if applicable, for each subprogram, within his areas of responsibility for the preceeding six months the following:

(a) Appropriations, allotments, expenditures, encumbrances, and available balance.

(b) The level of service budgeted, defined in terms of objectives and beneficiaries.

(c) The level of services delivered during the period.

(d) Alternatives for improved service delivery.

(e) Any changes in service authorized or necessary as a result of unanticipated changes in clientele, resources, or for other reasons.

(f) An evaluation of results, including a description of measurements used.]

Section 56. KRS 62.160 is amended to read as follows:

(1) The state officers elected by the voters of the state at large (except the governor and lieutenant governor), the heads of departments and cabinets of the state government, the adjutant general, the members of the public service commission, the members of the state fair board and fish and wildlife resources commission, and the members of the Kentucky board of tax appeals and the alcoholic beverage control board, shall each give bond. The amounts of the bonds shall be fixed by the governor, which amounts as to those offices set forth in subsection (2) of this section shall be not less than the amounts set forth for the respective offices. At any time when it appears to be to the interest of the commonwealth the governor may increase the penal sum of any bond or require a renewal thereof with other or additional surety.

(2) The minimum sum of the bond for the following offices shall be as follows:

Secretary of State	$ 10,000
Attorney General	10,000
State Treasurer	300,000
Secretary for Development	10,000
Commissioner of Agriculture	10,000
Secretary for Education and the Arts	10,000
Superintendent of Public Instruction	50,000
Auditor of Public Accounts	25,000
Clerk of Court of Appeals	10,000
Adjutant General	10,000
Commissioner for Finance and Administration	100,000
Commissioner of Revenue	50,000
Secretary of Transportation	50,000
Commissioner of Highways	50,000
Secretary of Justice	25,000
Commissioner of Corrections	25,000
Commissioner for Health Services	10,000
Commissioner of Labor	5,000
Commissioner *of Surface Mining* [for Land Resources]	*50,000* [10,000]
State Librarian	5,000
Commissioner of Mines and Minerals	5,000
Commissioner of Alcoholic Beverage Control	10,000
Commissioner of Banking and Securities	25,000
Secretary for Natural Resources and Environmental Protection	10,000
Commissioner of Insurance	50,000
Commissioner of Vehicle Regulation	10,000
Commissioner of Fish and Wildlife Resources	5,000
Secretary for Human Resources	20,000
Commissioner for Environmental Quality	10,000
Secretary for Public Protection and Regulation	10,000
Commissioner for Social Insurance	20,000
Member of Public Service Commission	10,000
Member of State Fair Board	10,000
Member of Fish and Wildlife Resources Commission	1,000
Member of Kentucky Board of Tax Appeals	10,000
Associate member of Alcoholic Beverage Control Board	5,000
Commissioner of local government	*100,000*

Section 57. KRS 64.480 is amended to read as follows:

(1) Effective, with respect to the offices of governor on December 4, 1979, and the lieutenant governor on the fifth Tuesday following the regular November election in 1975 and with respect to the other offices named in this section, on the first Monday in January, 1976, the compensation of the following named officers, payable monthly out of the state treasury, shall be the sum per annum designated for the respective offices, as follows: governor $39,500; lieutenant governor, an amount sufficient, when added to any per diem received during sessions of the general assembly while serving in the capacity of president of the senate, to equal $27,900 per annum, plus any compensation received while acting in the place of the governor; attorney general, superintendent of public instruction, commissioner of agriculture, secretary of state, state treasurer, auditor of public accounts, and clerk of the Supreme Court of Kentucky elected in November, 1975, as clerk of the Court of Appeals $27,900.

(2) In order to equate or adjust the compensation of the lieutenant governor, attorney general, superintendent of public instruction, commissioner of agriculture, secretary of state, state treasurer, auditor of public accounts, [and] clerk of the Supreme Court of Kentucky, *and beginning July 1, 1979, all justices and*

judges of the court of justice with the purchasing power of the 1949 dollar, the *executive* department *for finance and administration* [of commerce] of Kentucky shall compute by the second Friday in February of every year, beginning in 1977, the maximum permissible compensation of the officials mentioned in subsection (2) hereof based precisely uypon the consumer price index formula approved in Matthews v. Allen, Kentucky, 360 S.W. 2d 135 (1962). Thus the maximum permissible compensation effective for the entire year of 1977 and subsequent years will be the actual compensaiton to be paid said officials. The year of adjustment will be the particular full calendar year involved.

(3) It is the intention of the legislature that the constitutionally permissible adjustment of salaries of these officials be framed around equating current salaries with the purchasing power of the dollar in 1949 when section 246 of the Kentucky Constitution was amended. Section 246 of the Constitution, as amended, established a monetary level of $12,000 per annum for said officials. The formula merely effects an adjustment of the constitutional monetary level in terms of the current consumer price index.

Section 58. KRS 66.045 is amended to read as follows:

(1) It is the intent of this section to facilitate, through state technical and advisory assistance, the marketing of local government bonds and other long-term obligations at the lowest possible net interest costs.

(2)(a) "Local government" means a county, city, and other special-purpose district, authority, or public corporation, except a school district, within the state, but which exercises less than statewide jurisdiction.

(b) "Governing body" means the board, commission, or other such body charged with exercising the legislative authority of a local government.

(c) *"State local finance officer", as used in this chapter and other provisions of law, shall be the department for local government* ["Agency" means the state local finance officer].

(d) "Chief financial officer" means the comptroller, treasurer, director of finance or other local government official charged with managing the fiscal affairs of a local government.

(e) "Bonds," as used anywhere in this chapter, means debt payable more than one (1) year after date of issue or incurrence, issued pursuant to the laws authorizing local government borrowing.

(3) Without first notifying the state local finance officer in writing, no bonds may be issued by or on behalf of any local government. The notification shall contain the maturity schedule, interest rate, date of issue, purpose, paying agent, and such other information as the state local finance officer may require to provide a complete file on local government debt.

(4) The state local finance officer may provide technical and advisory assistance regarding the issuance of long-term debt to those local governments whose governing bodies request such assistance. Such assistance shall include, but need not be limited to, (a) advice on the marketing of bonds by local governments, (b) conduct of training courses in debt management for local financial officers, and (c) promotion of the use by local governments of such tools for sound financial management as adequate systems of budgeting, accounting, auditing, and reporting.

[(5) To facilitate the accomplishment of the purposes of this section, the state local finance officer shall have the following powers or duties:

(a) To require such reports from local governments as will enable it adequately to provide the technical and advisory assistance authorized by this section. The reports shall provide the necessary information for a complete file on local government debt, which shall be kept open for public inspection at the state local finance offices.

(b) To encourage, conduct, or participate in training courses in debt and general fiscal management and procedures and practices for the benefit of local officials, and in connection therewith, to cooperate with associations of public officials, business and professional organizations, university faculties, or other specialists.

(c) To conduct studies in debt management, including ways and means of appraising the terms of alternative bids.

(d) To request such assistance and information, which shall be provided not inconsistent with law, from all departments, divisions, boards, bureaus, commissions, and other agencies of state government which the state local finance officer may require to enable it to carry out its duties under this section.

(e) At its discretion, to compile and publish annually a report. Such report may include detailed information on local government long-term debt issued and retired during the previous year and outstanding, and other available statistical data on local government finances.]

Section 59. KRS 66.370 is amended to read as follows:

(1) On or before the fifteenth day of July of each year, the county judge/executive of each county in this commonwealth shall, for the fiscal year immediately preceding, deliver to the state local finance officer a report showing for the county the total amounts of each and every issue of outstanding bonds and the amount of unfunded debt, if any, together with the interest rate or rates of all indebtedness, sinking fund balances, sinking fund investments or deposits and earnings, payments of debt principal and interest, and such other information respecting indebtedness, whether or not herein enumerated, as the commission may by regulation require.

(2) A county may, by order of its fiscal court, surrender to the state local finance officer all money in hand, notes, bonds, accounts or other credits representing assets available, and such other sums which may hereafter become available from any and all sources, for paying the principal and interest of any bonded debt of the county; Provided, however, That if a county surrenders the sinking fund for any bond issue payable either from the tax levy authorized by section 157 or by section 157a of the constitution of Kentucky or from any special tax levy authorized by law, it must surrender also the sinking funds for all other bonds payable from the same tax levy as herein defined. Such surrender shall be irrevocable on the part of the county. Provided further, That any county which has a bond issue approved under the provisions of KRS 66.310 is required to comply with the provisions of this subsection with respect to the sinking funds for the bonds thus approved and for any other bonds payable from the same tax levy as herein defined. The county judge/executive of any county complying with the provisions of this subsection is hereby relieved of the requirement to submit the annual reports hereinabove specified in this section insofar as these apply to bonded debts, the sinking funds for which have been surrendered to the state local finance officer.

(3) All cash so received by the state local finance officer shall be deposited with the state treasurer to the credit of a fund designated the "county sinking fund." All assets other than cash shall be deposited with the state treasurer and shall be liquidated, upon authorization of the commission, within a reasonable time.

(4) The county treasurer of any county complying with the provisions of this section shall remit monthly to the state local finance officer all moneys received from any tax levy made for the exclusive purpose of paying principal and interest on any bonds. Any moneys appropriated in the county budget from any other source or any moneys required by law to be used for the same purpose shall be remitted as required for paying any principal and/or interest maturities or meeting sinking fund requirements. The state local finance officer is authorized to institute actions in the Franklin Circuit Court to enforce the provisions of this subsection or to recover any such funds as may have been misapplied.

(5) Accounts showing the county sinking fund receipts and disbursements shall be kept by the state local finance officer for each bond issue of each county for which deposits are made in said fund. As of the close of the county fiscal year the state local finance officer shall, within thirty (30) days thereafter, render to the judge of each county having deposits in said fund a statement thereof for each bond issue of that county. On or about the first day of May of each year, the state local finance officer shall deliver to the county judge/executive, as chairman of the county budget commission, an estimate of the principal and interest requirements of outstanding bonds issued by said county or of the proportionate annual amount which should be deposited in a sinking fund.

(6) Disbursements from the county sinking fund shall, when authorized by the state local finance officer, be made in the same manner as other claims on the commonwealth are paid. Disbursements may be made only for (a) the payment of principal or interest, or both, of the bonds for which the deposit was made, and (b) the investment of such funds as is hereinafter authorized.

(7) All coupons and bonds for the payment of which deposits are made in the county sinking fund shall be paid either directly by the state local finance officer or by the bank designated as paying agent. Such bank may be paid a reasonable fee for such services by the department *for local government* [of finance] out of its appropriation. All paid bonds and coupons shall be surrendered to the state local finance officer and canceled, and shall be delivered to the judge/executive of each county along with the annual statement provided for in this section.

Section 60. KRS 66.390 is amended to read as follows:

Ownership of obligations of Kentucky counties shall disqualify the commissioner of *the department for local government* [finance] or any of his appointees from serving in any capacity incident to the administration of KRS 66.280 to 66.380, or KRS 68.220, 68.250, 68.270, 68.280, 68.310, 68.320 or 68.370.

Section 61. KRS 68.210 is amended to read as follows:

The administration of the county uniform budget system shall be under the supervision of the *state local finance officer which* [executive department for finance and administration, and the department] may inspect and shall supervise the administration of accounts and financial operations and shall prescribe and shall install, by January 1975, a system of uniform accounts for all counties and county officials. It may require all officials of all local governments and local taxing districts to submit such annual financial reports as it may deem proper. It may investigate, examine, and supervise the accounts and operations of all local governments and local government officers. This section does not impose upon or transfer to the *state local finance officer* [department] any post audit functions.

Section 62. KRS 68.220 is amended to read as follows:

The fiscal affairs of each county, except those pertaining to education, shall be administered by the fiscal court under a uniform budget system. The county budget shall provide for all the funds to be expended by the county from current revenue for each fiscal year. The *state local finance officer* [department of finance] shall classify the counties for budget purposes upon the basis of their populations and expenditures, or upon some other proper basis, and may classify them in the same manner for the purpose of prescribing accounts.

Section 63. KRS 68.340 is amended to read as follows:

(1) The clerk of the fiscal court shall keep an appropriation ledger, containing separate accounts for each budget fund. Each account shall show in detail the amount of the original appropriation, all transfers to or from the budget fund, all expenditures duly approved by the fiscal court and properly chargeable to the fund, and the unencumbered balance remaining in the fund.

(2) The county treasurer shall keep a budget ledger, in which he shall, immediately after the adoption of the county budget by the fiscal court, credit each budget fund provided for in the budget, and he shall account for each budget fund separately.

(3) The appropriation ledger, the books of the county treasurer and all fiscal court orders relating thereto or relating to claims of any nature shall be open for inspection at all reasonable times to any taxpayer, and the county treasurer's books shall at all times be open to inspection by the members of the fiscal court.

[(4) All books, blanks and forms required to be used by county officials in the administration of the fiscal affairs of the county under the budget laws shall be provided and paid for by the county and approved by the department of finance.]

Section 64. KRS 68.350 is amended to read as follows:

The state local finance officer shall prescribe the books, blanks and forms to be used by county officials in the administration of the fiscal affairs of the county under the budget laws. He [The department of finance] shall examine the budget records and make such investigations as may be necessary to determine the condition of the financial affairs of each county. If the *state local finance officer* [department] finds that any county officer or member of a county budget commission is wilfully violating or neglecting the duties imposed by KRS 68.210 to 68.370, *he* [it] may institute legal proceedings in the Franklin Circuit Court to compel compliance with the law.

Section 65. KRS 147.072 is amended to read as follows:

(1) There is established an office for *program administration* [state planning] under and attached to the office of the secretary of the cabinet.

(2) The office shall be headed by a director, *who shall be an exeutive assistant to the governor, program administration* [appointed by the secretary of the cabinet, subject to the written approval of the governor]. The director may appoint and employ, with the concurrence of the secretary of the cabinet, such assistants and other personnel as the director deems necessary to carry out and perform the functions vested in the office for *program administration* [state planning].

(3) The office for *program administration* [state planning] shall *assist the secretary of the cabinet in carrying out his functions and duties pertaining to the overseeing of the executive cabinet and those agencies directly under the secretary. It shall assist in the coordination of activities of state government for their effective and efficient administration* [provide staff services for and advise the state planning committee in carrying out its functions and duties pertaining to the approval of state planning studies as may be approved by the state planning committee for funding out of the state planning fund].

(4) The office shall *assist the governor and secretary of the cabinet in the monitoring of programs as well as assist the secretary of the cabinet in his role as vice chairman of the state planning committee* [develop policies, criteria, guidelines and procedures for the proper utilization of research and planning consultants for approval by the state planning committee].

Section 66. KRS 147.075 is amended to read as follows:

As used in KRS 147.070 to 147.120 the term "governor's cabinet" shall mean the "governor's executive cabinet" and such other persons as the governor may designate to compose the membership of the "state planning committee." The governor shall serve as chairman of the state planning committee, the secretary of the cabinet shall serve as vice chairman, and the director of the office for *policy and management* [state planning] shall serve as secretary.

Section 67. KRS 147.340 is amended to read as follows:

(1) All members of the council shall be citizens eligible to vote in elections in the commonwealth;

(2) The council shall select one of its members as chairman, another as vice-chairman, and another as secretary at its first regular meeting;

(3) The council may request and receive the assistance of any state or municipal educational institution, experiment station, or other agency when it is deemed necessary or beneficial by the council in the performance of its duties;

(4) Staff services for the council shall be performed, insofar as practical, by the [executive] department for *local government* [finance and administration] in cooperation with the department for natural resources and environmental protection, and the commissioner of the [executive] department for *local government* [finance and administration] shall appoint and employ in the manner prescribed by law such persons as may be needed for the performance of such staff services;

(5) The council shall hold regular meetings at least once every three months, the time and place of which shall be determined by the council. Special meetings may be called by the chairman or by four members of the council by delivery to each member of the council a written notice thereof at least five days in advance of the date of any such meeting. A majority of the members of the council shall constitute a quorum at any meeting. The council shall establish bylaws for the conduct of its meetings and shall keep an accurate record of all its proceedings;

(6) No salary or other compensation shall be allowed any appointed member of the council, but each member may be reimbursed for actual and necessary expenses incurred in the performance of official duties;

(7) The council shall be attached to the [executive] department for *local government* [finance and administration] for administrative purposes.

Section 68. KRS 147.360 is amended to read as follows:

(1) The council shall be the Kentucky agency to fulfill federal requirements for councils associated with federal programs designed to provide support for state land use planning functions.

(2) The council is hereby authorized to accept gifts and grants for land use planning purposes, and to set priorities for the expenditure of state and federal monies for land use planning purposes, but all such monies shall be administered by the [executive] department for *local government* [finance and administration].

(3) The council and the commissioner of the [executive] department for *local government* [finance and administration] are hereby authorized to take all steps necessary and appropriate to qualify the Commonwealth for the receipt of federal grants for land use planning purposes.

Section 69. KRS 147A.020 is amended to read as follows:

(1) The department for local government shall exercise all administrative functions of the state as provided in the county debt act, KRS 66.280 to 66.390; as regards county and local government budgets as provided in KRS 68.210 to 68.370; and as to local government bonds as provided in KRS 66.045.

(2) The department for local government shall have the following powers and duties:

(a) To require such reports from local governments as will enable it adequately to provide the technical and advisory assitance authorized by this section. The reports shall provide the necessary information for a complete file on local government debt, which shall be kept open for public inspection at the state local finance offices.

(b) To encourage, conduct, or participate in training courses in debt and general fiscal management and procedures and practices for the benefit of local officials, and in connection therewith, to cooperate with associations of public officials, business and professional organizations, university faculties, or other specialsts.

(c) To conduct studies in debt management, including ways and means of appraising the terms of alternative bids.

(d) To request such assistance and information, which shall be provided by all departments, divisions, boards, bureaus, commissions, and other agencies of state government to enable the state local finance officer to carry out his duties under this section.

(e) At its discretion, to compile and publish annually a report. Such report may include detailed information on local government long-term debt issued and retired during the previous year and outstanding, and other available statistical data on local government finances.

(3) The [executive] department for *local government* [finance and administration] shall coordinate for the Governor the state's responsibility for, and shall be responsible for liaison with the appropriate state and federal agencies with respect to the following programs:

(a) [(1)] Housing and Urban Development Act [(Housing Act of 1954,] as amended [)];

(b) [(2)] Demonstration Cities and Metropolitan Development Act *as amended* [of 1966 (PL 89-754, Titles I, II, VIII, IX);

(3) Land and Water Resources Act (PL 89-80)].

(4) The department for local government shall provide technical assistance and information to units of local government, including but not limited to:

(a) Fiscal management;

(b) Personnel administration;

(c) Purchases and contracts;

(d) Ordinances and codes;

(e) Community development.

Section 70. KRS 147A.060 is amended to read as follows:

There shall be in each area development district a board of directors. The composition of the board and the terms and appointments of its members in each district shall be specified by administrative regulation issued by the [executive] department for *local government* [finance and administration] pursuant to KRS Chapter 13. The [executive] department for *local government* [finance and administration] in specifying the composition of the board shall conform to applicable federal requirements.

SECTION 71. A NEW SECTION OF KRS CHAPTER 147A IS CREATED TO READ AS FOLLOWS:

(1) The department for local government shall be headed by a commissioner, and shall be divided for administrative purposes into such divisions as the commissioner, with the approval of the governor, determines.

(2) The commissioner, with the approval of the governor, shall appoint necessary deputies, assistants, attorneys and other employes and shall fix their compensation and authorize payment of their expenses according to law.

(3) The commissioner shall be the state local finance officer and he may delegate the duties to his agent designated in writing with the approval of the governor.

SECTION 72. A NEW SECTION OF KRS CHAPTER 147A IS CREATED TO READ AS FOLLOWS:

(1) The department for local government shall administer distribution of state and federal planning funds to area development districts and shall require by regulation such financial and operational reports, audits and other controls as are necessary to assure compliance with state and federal laws relating to funds received by the area development districts.

(2) The department for local government shall issue such regulations as will assure statewide coordination of the planning and assistance operations of the area development districts.

SECTION 73. A NEW SECTION OF KRS CHAPTER 147A IS CREATED TO READ AS FOLLOWS:

(1) The local government advisory commission is hereby established and shall advise the department for local government on issues relating to the needs of the area development districts and local governments in Kentucky.

(2) The local government advisory commission shall have fifteen (15) members, consisting of the chairman of the board of directors of each of the fifteen (15) area development districts. The governor shall select one of this number to serve as chairman of the commission at the pleasure of the governor.

(3) The members of the local government advisory commission shall serve without compensation, but shall be reimbursed the reasonable and necessary expenses incurred by the members in performing the work of the commission.

Section 74. KRS 147B.015 is amended to read as follows:

The council shall consist of the Dean of the College of Business and Economics of the University of Kentucky, *or his designee as approved by the Governor,* who shall be an ex officio member of the Council and serve as its Chairman and four other members appointed by the Governor who shall be persons knowledgeable by reason of experience or academic training in the fields of business, finance and economics. The terms of the members initially appointed shall be as follows: (1) One member who shall serve until January 1, 1973; (2) One member who shall serve until January 1, 1974; (3) One member who shall serve until January 1, 1975; (4) One member who shall serve until January 1, 1976; thereafter all such appointments shall be for four-year terms and until their successors are appointed. Vacancies in the appointed membership of the council shall be filled for the unexpired portion of the vacated member's term.

Section 75. KRS 147B.030 is amended to read as follows:

The office *for research, college of business and economics* [of business development and government services] of the University of Kentucky shall, with the cooperation of other institutions and agencies, conduct the basic studies necessary to fulfill the duties and responsibilities of the council. The *dean of the college of business and economics, upon recommendation of the chairman of the council, shall designate an* [director of said office shall serve as the] executive director of the council. The council may, subject to the approval and directions of the *secretary of the development cabinet* [commissioner of the executive department for finance and administration], be attached for administrative purposes to said office.

Section 76. KRS 147B.035 is amended to read as follows:

The council may disburse any and all funds appropriated by the General Assembly, or received from any state agency, and may apply for, receive and disburse funds from the federal government or any public or private agency or organization for purposes of carrying out the provisions of KRS 147B.010 to 147B.035. The office *for research, college of business and economics* [of business development and government services] may recover the cost of its services to the council, including any employe expense properly attributable thereto, provided, however, that [neither] council members, *exclusive of the chairman and* [nor the] executive director shall *not* be entitled to compensation for their services on or for the council, but shall be entitled, subject to the provisions of KRS 45.180 and the State Travel Regulations, to reimbursement for all actual and necessary expenses incurred in connection with the performance of their duties.

Section 77. KRS 152.020 is amended to read as follows:

(1) There is hereby created an agency of the state government to be known as the department of commerce, which shall constitute a department of the state government within the meaning of KRS chapter 12. The department shall consist of a commissioner and such administrative bodies and employes as are provided by law.

(2) The department, subject to the provisions of KRS 12.010 to 12.190, shall be organized into a division devoted to industrial development, a *division devoted to agribusiness* [business development division], a division devoted to research and planning, a division devoted to *existing industries* [community services, a division devoted to commercial development], a division devoted to development of minority business enterprise, a division devoted to international trade and reverse investment and such other divisions and sections as are from time to time deemed necessary for the proper and efficient operation of the department.

(3) The executive officer of the department shall be the commissioner of the department of commerce. The commissioner shall be appointed by the governor and shall serve at the pleasure of the governor. The commissioner shall have general supervision and direction over all activities and functions of the department and its employes, and shall be responsible for carrying out the programs and policies of the department. The commissioner shall be the chief executive officer of the department and, as such, shall have authority to enter into contracts, subject to the approval of the secretary of the development cabinet and the commissioner of the executive department for finance and administration, when such contracts are deemed necessary to implement and carry out the program of the department.

Section 78. KRS 152.060 is amended to read as follows:

(1) The department shall assemble and keep in the offices of the department such information relating to natural resources, industrial sites, labor supply, water, fuel, power, wage rates, taxation and assessments, transportation and communication facilities and such other information as may be useful in executing the provisions of KRS 152.010 to 152.080. Such information shall be made available to any enterprise which, in the discretion of the commissioner, is legitimate and which contemplates location or operation within the Commonwealth. Such information shall, in the discretion of the commissioner, be made available to any governmental or private agency interested in securing the location or operation of any such legitimate enterprise within the Commonwealth.

(2) The department shall obtain from enterprises interested in locating and operating within the Commonwealth information relating to the nature of the enterprise, its financial responsibility, manpower requirements, probable consumption of raw materials and such other information as may be useful in securing the location of such enterprise in the Commonwealth.

(3) The department shall be the primary industrial and commercial development agency of the Commonwealth of Kentucky in matters relating to the private sector of the state's economy. The department shall carry out programs relating to industrial and commercial development, research and planning, *existing industries, agribusiness* [community services], minority business enterprise, international trade and reverse investment, and other programs designated by the governor.

SECTION 79. A NEW SECTION OF KRS CHAPTER 152 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky film commission is created as an agency of state government, and it shall be attached to the department of commerce for administrative and budgetary purposes. The commission shall serve in an advisory capacity to the Commonwealth in the planning and implementation of programs dealing with the film industry.

(2) The commission shall consist of twenty (20) members appointed by the governor, with the commissioner of the department of commerce as the chairman. The commissioner of the department of public information shall serve ex officio. The other eighteen (18) members shall be appointed by the governor on the basis of their interest in or relationship to the development of a film industry in Kentucky, one of whom shall be designated as vice-chairman. Members shall serve for a term of one (1) year. Members of the commission shall receive twenty-five dollars ($25) per diem and necessary expenses for performance of their duties.

(3) In order to expedite the business of the commission, an executive committee is hereby created consisting of seven (7) members selected by the governor, with the commissioner of the department of commerce serving as chairman. This executive committee is empowered to act for the commission in the

formulation, direction, and execution of its policies.

(4) Meetings of the commission and of its executive committee shall be called by the chairman. A majority either of the commission or of the executive committee, shall constitute a quorum for the purpose of doing business.

(5) The chairman of the commission, subject to the prior written approval of the governor, shall appoint an executive director who shall serve as the chief operating officer of the commission. The executive director, subject to the approval of the chairman, shall have the authority to hire personnel, to prescribe their duties, and to fix their compensation within the limitations imposed by law.

(6) The commission shall have all necessary and appropriate powers to carry out these responsibilities:

(a) Establishment of a close working relationship with film industry representatives in this country and abroad, if appropriate;

(b) Coordination of locational activities in Kentucky;

(c) Provision of liaison activities during actual film production;

(d) Performance of all appropriate research and background work related to determination of film industry plans and requirements;

(e) Establishment of an aggressive promotional and informational effort designed to attract producers to Kentucky.

(7) The commission shall have the cooperation and assistance of the department of commerce, the department of public information, and all other state agencies. Such state agencies are authorized to inter-account the commission for goods and services, except that the department of commerce shall provide reasonable access to and use of the department of commerce's west coast office without charge. Similary the department of public information shall supply photographic services and promotional material for each prospective film location at no cost.

Section 80. KRS 152A.010 is amended to read as follows:

(1) There is created within the development cabinet an agency of state government to be known as the department of energy, which shall constitute a department of the state government within the meaning of KRS Chapter 12. The department shall consist of a commissioner, an energy resources advisory commission and such administrative bodies and employes as are provided for by law.

(2) The department, subject to the provisions of KRS 12.010 to 12.141, shall be organized into a division of conservation, a division of allocation and a division of resource development.

(3) The commissioner of the department of energy shall be appointed by the governor and shall serve at the pleasure of the governor. The commissioner shall have general supervision and direction over all activities and functions of the department and its employes, and shall be responsible for carrying out the programs and policies of the department. He shall be the chief executive officer of the department and, as such, shall have authority to enter into contracts, subject to the approval of the commissioner of the executive department for finance and administration, when such contracts are deemed necessary to implement and carry out the programs of the department. He shall serve as the governor's energy allocation, conservation and development policy adviser, *and representative on the southern interstate nuclear board of the national governors' conference.*

(4) The department of energy shall be the state agency with primary responsibility for all non-research energy programs not otherwise assigned to existing agencies. The primary purpose of the department will be to develop and recommend programs for the development and utilization of energy in a manner to meet essential human needs while maintaining the Kentucky economy at the highest feasible level.

Section 81. KRS 152A.410 is amended to read as follows:

(1) There is hereby created a board of energy research. The governor shall serve as chairman. The administrator of the Kentucky center for energy research shall serve as a member of the board and vice-chairman. The following named officials shall serve as members of the board ex-officio:

(a) The secretary of development, or his designee;

(b) The commissioner, department of energy;

(c) The secretary of natural resources and environmental protection, or his designee;

(d) The secretary of transportation, or his designee;

(e) The secretary of the cabinet, or his designee;

(f) The director, office *for program administration* [of state planning];

(g) The dean of the college of engineering, University of Kentucky;

(h) The dean of the University of Louisville, Speed Scientific School;

(i) *The secretary of the executive department for finance and administration;*

(j) Six (6) [Five (5)] additional members shall be named by the governor.

(2) The board shall meet at least once each calendar quarter or more often on the call of the chairman, or with the chairman's approval, at the call of the vice-chairman.

(3) The board shall be responsible for approving demonstration projects to be supported by the energy development and demonstration trust fund.

(4) The board is authorized to solicit, receive and administer federal or state agency funds in relation to federal or state programs of long-range energy planning research and demonstration projects.

(5) The administrator and the staff of the center shall serve as staff for the board. The board shall also advise the administrator in establishing long-range goals and objectives for the center. Members of the board shall not be otherwise compensated but shall be reimbursed for expenses incurred in connection with the exercise of their duties at the center.

Section 82. KRS 154.320 is amended to read as follows:

(1) The commission shall consist of the commissioner of commerce, *the secretary of the cabinet for development* and five (5) citizens chosen by the governor from each of the districts created in KRS 154.321. The citizen members shall be appointed for original terms of one (1), two (2), three (3), and four (4) years. Their successors shall be appointed for a term of four (4) years and each shall be eligible for reappointment. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

(2) A majority of the members shall constitute a quorum for the purpose of organizing the commission and conducting the business thereof. The members shall elect a chairman from the five (5) citizen members and the executive director shall serve as secretary. Meetings may be called by the chairman or at the request of three (3) or more members.

(3) Members of the commission shall not receive any compensation for their services as members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members of the commission.

(4) Any members of the commission may be removed by the governor for inefficiency, neglect of duty, malfeasance, or conflict of interest. The governor shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next commission meeting, which shall be open to the general public. The member so removed shall have the right of appeal to the Franklin circuit court.

Section 83. Kentucky Revised Statutes are amended as follows:

The Reviser of Statutes is directed to change the phrase, "state board of education" to "state board for elementary and secondary education" in each and every place such phrase appears in the following statutes to wit: KRS 41.240, 58.150, 66.480, 156.022, 156.074, 156.076, 156.080, 156.090, 156.095, 156.132, 156.134, 156.136, 156.138, 156.152, 156.153, 156.154, 156.210, 156.255, 156.275, 156.400, 156.405, 156.410, 156.437, 156.447, 156.470, 156.472, 156.474, 156.476, 156.540, 156.610, 156.620, 156.640, 157.010, 157.060, 157.100, 157.110, 157.120, 157.130, 157.140, 157.150, 157.160, 157.170, 157.190, 157.200, 157.220, 157.221, 157.224, 157.230, 157.250, 157.280, 157.305, 157.315, 517.320, 157.350, 157.360, 157.370, 157.390, 157.410, 157.420, 157.510, 157.520, 157.570, 158.060, 158.070, 158.100, 158.110, 158.120, 158.310, 158.330, 158.405, 158.425, 158.450, 158.470, 158.515, 158.530, 158.535, 158.540, 159.030, 159.040, 159.070, 159.080, 159.130, 159.140, 159.170, 159.260, 160.020, 160.030, 160.041, 160.045, 160.048, 160.049, 160.180, 160.190, 160.210, 160.290, 160.293, 160.340, 160.370, 160.380, 160.390, 160.460, 160.470, 160.476, 160.477, 160.510, 160.550, 160.560, 160.570, 160.593, 160.599, 160.640, 161.042, 161.044, 161.100, 161.110, 161.120, 161.126, 161.159, 162.170, 162.180, 162.185, 167.015, 167.025, 167.035, 167.140, 167.150, 167.160, 167.170, 167.230, 168.020, 189.540, 319.015 and 335.010.

Section 84. Kentucky Revised Statutes are amended as follows:

The Reviser of Statutes is directed to change the phrase, "state board of education" to "state board for occupational education" in each and every place such phrase appears in the statutes to wit: KRS 163.030, 163.070, 163.085, 163.086, 163.087, 163.120, 163.140, 163.180, 164.050, 164.740, 165A.040, 317A.150 and 343.020.

Section 85. KRS 156.010 is amended to read as follows:

(1) The department of education shall consist of the state board *for elementary and secondary education, the department for elementary and secondary education, the state board for occupational education, the department for occupational education,* [of education] and the superintendent of public instruction, who shall be the *executive officer* [head] of the department.

(2) The superintendent of public instruction shall appoint a deputy superintendent of public instruction who is authorized to act in the absence of the superintendent of public instruction.

(3) The superintendent of public instruction shall have general supervision of all assistants, agents and employes. He shall be responsible for implementing policies promulgated by the state board for elementary and secondary education and the state board for occupational education. He may clothe his assistants with full power of attorney to act for him in the supervision, inspection and administration of the schools over which he has supervisory and administrative control.

(4) The division heads, assistants, agents and employes shall be reimbursed for necessary traveling expenses incurred in the performance of their official duties, and no part of the reimbursement shall be included in or accounted as a part of their salaries.

(5) [(2)] The department of education shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, vocational education, vocational rehabilitation, the Kentucky school for the blind and the Kentucky school for the deaf; and may exercise the general powers and functions relating to state vocational schools and area vocational educational centers for young people who are enrolled in regular day schools and for out-of-school youth and adults, both employed and unemployed. The department of education shall exercise also those powers relating to television in aid of education and other proper public functions, as provided in KRS 156.070.

(6) [(3)] The Kentucky school for the deaf advisory board and the state textbook commission are included in the department of education and constitute divisions thereof, but each shall continue to exercise all the functions conferred upon it by law.

(7) The state department of education in the operation and management of their schools and the programs at these schools shall meet all required federal and state standards relating to facilities and personnel qualifications; however, no license or license fee shall be required for any school or program operated by the state department of education.

Section 86. KRS 156.030 is amended to read as follows:

(1) There shall be a state board *for elementary and secondary* [of] education composed of seven (7) lay members. The board shall elect a chairman from among its members at its first regular meeting in each fiscal year. Beginning with 1940 the governor shall appoint two (2) members every year for a term of four (4) years to take the place of the members appointed under the provisions of chapter 65 of the Acts of 1934 whose terms expire that year, except that every fourth year the governor shall appoint one (1) member for a term of four (4) years to take the place of the member whose term expires that year. The term of each member of the board shall begin on July 1 in the year in which the member is appointed. In the case of a vacancy the governor shall fill the vacancy for the unexpired term. Members appointed to take the place of members whose terms expire after January 6, 1964 shall be appointed from the districts established by KRS *21A.010* [21.020] in the numerical order of the districts. The board shall be a corporation by the name of the Kentucky state board *for elementary and secondary* [of] education, with the usual corporate powers.

(2) There shall be added two (2) ex officio, non-voting members to be chosen as follows: one (1) member from the lay membership of and selected by the council on higher education, and one (1) member from the lay membership of and selected by the state board for occupational education. The two (2) ex officio members shall serve for terms of one (1) year and may be eligible for annual reappointment for as long as they remain lay members of the board/council by which they are selected. Members of the state board shall receive one hundred dollars ($100) per diem, and necessary expenses for each regular and special meeting attended.

(3) The superintendent of public instruction or his designee shall be the executive officer of the state board for elementary and secondary education.

(4) The office of deputy superintendent for the department for elementary and secondary education is hereby created and shall be filled by appointment by the superintendent of public instruction, subject to the provisions of KRS 12.050.

(5) The deputy superintendent for elementary and secondary education shall select a secretary who shall be an employe of the Kentucky state department of education. It shall be the duty of the secretary to handle the board's correspondence and maintain a permanent record of its proceedings.

(6) The primary function of the state board for elementary and secondary education shall be to develop and adopt policies and regulations by which the department for elementary and secondary education shall be governed in planning, coordinating, administering, supervising, operating, and evaluating the education programs, services and activities within the public elementary and secondary program.

(7) The state board for elementary and secondary education is hereby designated as the sole state agency for the purpose of developing and approving state plans required by state or federal laws and regulations as prerequisites to receiving federal funds for elementary and secondary educational purposes.

Section 87. KRS 156.035 is amended to read as follows:

(1) The Kentucky state boards *for elementary and secondary* [of] education *and occupational education are* [is] recognized to be [a] public *bodies* [body] corporate and politic, and *agencies* [an agency] and *instrumentalities* [instrumentality] of the Commonwealth in the performance of essential governmental functions.

(2) For the benefit of programs under their control and supervision the boards are authorized to implement the provisions of any act of Congress appropriating and apportioning funds to the state, to receive funds appropriated by the Kentucky general assembly, and to provide for the proper apportionment and disbursement of such funds in accordance with state or federal laws, and to accept and provide for the administration of any gifts, donations, or devise.

Section 88. KRS 156.040 is amended to read as follows:

The members of the state board*s for elementary and secondary* [of] education *and for occupational education* shall have the same qualifications as school board members, except that members of the state board*s for elementary and secondary* [of] education *and for occupational education* shall be at least thirty (30) years of age. Appointments shall be made without reference to occupation, political affiliation or similar considerations. No member at the time of his appointment or during the term of his service shall be engaged as a professional educator.

Section 89. KRS 156.060 is amended to read as follows:

A majority of the *voting members of the state* board *for elementary and secondary education* shall constitute a quorum for the transaction of business. The board shall meet not less than every three (3) months and at such other times as it may be called as provided in this section. Special meetings of the board may be called by the chairman, and upon written request of two (2) members the chairman shall call a special meeting of the board to be held not later than twenty (20) days following receipt of the written request. The chairman shall give notice through the secretary by registered mail or by certified mail, return receipt requested to each member of the board at least ten (10) days prior to the time of any meeting, unless all members of the board waive notice in writing. The offices of the board shall be at the seat of government in the department of education and shall be provided by the state. Members of the board may receive a per diem of *one hundred dollars ($100)* [twenty-five dollars ($25.00)] for each regular or special meeting attended and actual expenses for attending meetings, and may be reimbursed for other actual and necessary expenditures incurred in the performance of their duties authorized by the board. The per diem and expenses shall be paid out of the appropriation for the state board *for elementary and secondary* [of] education.

Section 90. KRS 156.070 is amended to read as follows:

(1) The state board *for elementary and secondary* [of] education shall have the management and control of the common schools, *and all programs operated in such schools* [public vocational education for young people who are enrolled in regular day schools and for out-of-school youth and adults, both employed and unemployed], *the Kentucky school for the deaf* [vocational rehabilitation,] and the Kentucky school for the blind.

(2)(a) It is hereby authorized to lease from the state property and buildings commission, or others, whether public or private, any lands, buildings, structures, installations and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction, throughout the Commonwealth, and for incidental use in any other proper public functions. Any such lease may be for any initial term commencing with the date of such lease and ending with the next ensuing June 30 which is the close of the then current fiscal biennium of the Commonwealth with exclusive options in favor of the board to renew the same for successive ensuing bienniums (July 1 in each even year to June 30 in the next ensuing even year); and the rentals may be fixed at such sums in each biennium, if renewed, as will be sufficient to enable the state property and buildings commission to pay therefrom the maturing principal of and interest on (and provide reserves for) any revenue bonds which said state property and buildings commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring such television and related facilities, with appurtenances and such costs as may be incident to the issuance of such bonds.

(b) Each such option of the state board *for elementary and secondary* [of] education to renew the lease for succeeding biennial term may be exercised at any time after the adjournment of the session of the general assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the state property and buildings commission in writing, signed by the superintendent of public instruction, and delivered to the commissioner of the executive department for finance and administration as a member of said commission; Provided, however, That such option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the commissioner of the executive department for finance and administration before the close of business on the last working day in April immediately preceding the beginning of such succeeding biennium.

(c) The board shall not itself operate such leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the superintendent of public instruction and the department of education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any such contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to such reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any such contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the state property and buildings commission shall bind the board to pay rentals for more than one fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any such lease and to the cost of providing for the operation of such television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of this subsection.

(3) The state board *for elementary and secondary* [of] education may, on the recommendation and with the advice of the superintendent of public instruction, prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations published or distributed by the board shall be inclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.

Section 91. KRS 156.160 is amended to read as follows:

[Upon recommendation of the superintendent of public instruction,] The state board *for elementary and secondary* [of] education shall adopt rules and regulations relating to:

(1) [The biennial state school budget;

(2)] Minimum courses of study for the different grades and kinds of common schools, and regulations governing educational equipment of the schools;

(2) [(3)] Grading, classifying and accrediting all common schools, and for determining the scope of instruction that may be offered in the different classes of schools, and the minimum requirements for graduation from the courses offered;

(3) [(4)] Taking, and keeping a school census, and the forms and blanks to be used in taking and keeping the census and in compiling the required reports;

(4) [(5)] Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings and classrooms;

(5) [(6)] Medical inspection, physical education and recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children;

(6) [(7)] The transportation of children to and from school;

(7) [(8)] Approval of private and parochial schools of elementary or high school grades [, and commercial schools];

(8) [(9)] The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

(9) [(10)] The preparation of budgets and salary schedules for the several school districts under the management and control of the state board *for elementary and secondary* [of] education;

(10) [(11)] A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts;

(11) [(12)] The disposal of real and personal property owned by local boards of education.

Section 92. KRS 156.200 is amended to read as follows:

The superintendent of public instruction shall receive and examine all reports required by law or by the state board *for elementary and secondary* [of] education *and the state board for occupational education* and, in person or through his assistants, shall examine and advise on the expenditures, business methods and accounts of all boards of education and all institutions placed under the management and control of the *department* [state board] of education *as established in KRS 156.010.* He shall see that all financial and educational accounts are accurately and neatly kept and that all reports are made according to the forms adopted by the state board *for elementary and secondary* [of] education *and the state board for occupational education.*

Section 93. KRS 156.230 is amended to read as follows:

(1) The superintendent of public instruction shall annually prepare or cause to be prepared, and submit for approval and publication by the state board *for elementary and secondary* [of] education, a list of all public and private high schools or other secondary schools in the state, showing the classification of each.

(2) He shall, from time to time, prepare or cause to be prepared, and submit for approval and publication by the state board *for elementary and secondary* [of] education *or the state board for occupational education*, such bulletins, programs, outlines of courses, placards, and courses of study as he deems useful in the promotion of the interests of the public schools, vocational education and vocational rehabilitation.

(3) He shall also prepare for publication [by the state board of education] the rules, regulations, minimum standards for schools and educational policies or programs adopted by the boards for the operation, regulation and government of the schools under *their* [its] supervision.

Section 94. KRS 156.240 is amended to read as follows:

The superintendent of public instruction shall prepare for publication biennially, [by the state board of education,] the complete school laws of the state, including abstracts of decisions of the court of justice, and opinions and interpretations of the attorney general and the superintendent of public instruction. He shall explain the true intent and meaning of the school laws and the published rules and regulations of the state board *for elementary and secondary* [of] education *and the state board for occupational education*, and in doing so he shall freely consult the attorney general.

Section 95. KRS 156.250 is amended to read as follows:

(1) The superintendent of public instruction shall biennially prepare the report of the *department* [state board] of education *as established in KRS 156.010* to be submitted to the governor and the general assembly. The report shall set out the number attending the public schools, the amount of state funds apportioned and the source from which derived, the amount raised by county school and independent school district taxes or from other sources of revenue for school purposes, the amount expended for salaries of teachers, for the erection of school buildings, and for incidental and other expenses in the operation of the public schools under his supervision, together with such other facts, statistics and information as may be deemed of interest, including recommendations for the improvement of the schools.

(2) The report shall also detail programs and progress in vocational education and vocational rehabilitation.

SECTION 96. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) The state board for occupational education is hereby created, and shall consist of nine (9) members. Seven (7) members shall be appointed by the Governor, one (1) from each of the seven (7) supreme court districts as established by KRS 21A.010, and shall serve for terms of four (4) years, except the original appointments which shall be the following terms: three (3) members for two (2) years, two (2) members for three (3) years; and two (2) members for four (4) years. There shall be two (2) ex officio non-voting members to be chosen as follows: one (1) member from the lay membership of and selected by the council on higher education and one (1) member from the lay membership of and selected by the state board for elementary and secondary education. The two (2) ex officio members shall serve for terms of one (1) year and may be eligible for annual reappointment for as long as they remain lay members of the board or council by which they are selected.

(2) The term of each member of the board shall begin July 1 in the year in which the member is appointed. Vacancies in the membership of the board shall be filled by the governor for unexpired terms. Appointments shall be made without reference to occupation, political affiliation or similar considerations. No member at the time of his appointment or during the term of his services shall be engaged as a professional educator.

(3) A majority of the voting members of the board shall constitute a quorum for the transaction of business. The board shall meet no less than every three (3) months and at such other times as it may be called as provided in this section. Special meetings of the board may be called by the chairperson; and, upon written request of two (2) members, the chairperson shall call a special meeting of the board to be held not later than twenty (20) days following receipt of the written request. The chairperson shall give notice through the secretary by registered or by certified mail, return receipt requested, to each member of the board at least ten (10) days prior to the time of any meeting, unless all members of the board waive notice in writing. The offices of the board shall be at the seat of government in the Kentucky state department of education and shall be provided by the state. Members of the board shall receive a per diem of one hundred dollars ($100) for each regular or special meeting attended and actual expenses for attending meetings, and may be reimbursed for other actual and necessary expenditures incurred in the performance of their duties authorized by the board. The per diem and expenses shall be paid out of the appropriation for the state board for occupational education.

(4) At the first regular meeting of the board in each fiscal year a chairperson shall be elected from its members.

(5) The superintendent of public instruction or his designee shall be the executive officer of the state board for occupational education.

(6) The office of deputy superintendent for the department for occupational education is hereby created and shall be filled by appointment by the superintendent of public instruction, subject to the provisions of KRS 12.050.

(7) The deputy superintendent for occupational education shall select a secretary who shall be an employe of the Kentucky state department of education. It shall be the duty of the secretary to handle the board's correspondence and maintain a permanent record of its proceedings.

(8) The primary function of the state board for occupational education shall be to develop and adopt policies and regulations by which the department for occupational education shall be governed in planning, coordinating, administering, supervising, operating and evaluating occupational education programs, services and activities within the scope of its authorized responsibility.

(9) The state board for occupational education is hereby designated as the sole state agency for the purpose of developing and approving state plans required by state or federal laws and regulations as prerequisites to receiving state or federal funds for vocational education, vocational rehabilitation, and adult education. Any and all agencies of state government that administer vocational-technical occupational programs shall be involved in the development of state plans required by state or federal laws and regulations.

SECTION 97. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) The department for elementary and secondary education is hereby created and shall consist of the office of the deputy superintendent for elementary and secondary education, the bureau of instruction, the bureau of education for exceptional children, the bureau of administration and finance for local school systems, and such other personnel and positions as the superintendent of public instruction deems are necessary to execute the policies of the state board for elementary and secondary education.

(2) Upon the recommendation of the superintendent of public instruction or his designee, the state board for elementary and secondary education shall act on all matters relating to programs, services publications, capital construction and facility renovation, equipment, litigations, contracts, budgets, and all other matters which are the administrative responsibility of the department for elementary and secondary education.

(3) The deputy superintendent for elementary and secondary education shall recommend to the superintendent of public instruction the establishment of bureaus, offices, divisions and units, and arrange such bureaus, offices, divisions and units within the organizational structure of the department as will best provide required services and assure effective execution of the department's responsibilities.

(4) The deputy superintendent for elementary and secondary education, with the approval of the superintendent of public instruction, may call and conduct conferences of employes of the department for elementary and secondary education or related boards and councils on matters of concern with elementary and secondary education. Reimbursement to participants for necessary travel expenses shall be a legitimate expenditure of public funds.

SECTION 98. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) The department for occupational educational education is hereby created, and shall consist of the office of the deputy superintendent for occupational education, the bureau of vocational education, the bureau of rehabilitation services, the division of adult basic education and such other personnel and positions as are necessary to execute the policies of the state board for occupational education.

(2) Upon the recommendation of the superintendent of public instruction or his designee, the state board for occupational education shall act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigations, contracts, budgets and all other matters which are the administrative responsibility of the department for occupational education.

(3) The deputy superintendent for occupational education shall recommend to the superintendent of public instruction the establishment of bureaus, offices, divisions and units and arrange such bureaus, offices, divisions and units within the organizational structure of the department as will best provide required services and assure effective execution of the department's responsibilities.

(4) The deputy superintendent for occupational education, with the approval of the sperintendent of public instruction, may call and conduct conferences of employes of the department of occupational education or related boards and councils or both on matters of concern with occupational education. Reimbursement to participants for necessary travel expenses shall be a legitimate expenditure of public funds.

(5) The department for occupational education shall plan, administer, coordinate, supervise, operate and evaluate the occupational educational programs, services, and activities provided through vocational education, vocational rehabilitation and adult basic education.

(6) The occupational type programs which are offered in the local high schools, both vocational and non-vocational, shall continue to be operated and administered by the local boards of education and the department for elementary and secondary education, consistent with the policies of the state plan for vocational education. All of the occupational type programs offered in the local high schools may be counted

toward high school graduation, but the decision as to which credits and how many credits may be counted for high school graduation shall be made by the local boards of education, consistent with the policies approved by the state department for elementary and secondary education.

(7) Vocational and non-vocational programs, offered at the state universities, shall be operated and administered by those universities consistent with the regulations developed by the boards of trustees or regents and approved by the council on higher education for the issuance of associate, baccalaureate or graduate degrees. The state board for occupational education and the state department for occupational education shall not operate or administer any programs for such degrees. No institution of public higher education, including the community colleges, shall offer any new program of a vocational-technical-occupational nature below the associate degree level without the consent of the state board of occupational education. The state board for occupational education, with approval of the council on higher education, may contract with institutions of public higher education for the operation of specific programs and projects.

(8) The department for occupational education shall administer, supervise, and operate all programs offered in the state vocational technical schools and area vocational education centers.

(9) The board for occupational education shall be responsible for establishing priorities for, and approval of, construction of facilities designed for vocational-occupational type programs.

(10) Requests for new programs of a vocational-technical-occupational type at the associate degree level from the council on higher education for the state universities and community colleges, and requests for new programs of this type at the diploma or certificate level from vocational education centers or schools shall be made to the state board for occupational education. It shall be the responsibility of the state department for occupational education and the state board for occupational education to review such requests and on the basis of need for the program to approve or disapprove the request. The rationale for the request and complete supporting data shall be supplied to the state board for occupational education at the time the request is made. The following procedure shall be followed:

(a) The request shall be cooperatively developed by the department for occupational education and requesting agency.

(b) The request shall be reviewed by the staff of the department for occupational education which shall make recommendations concerning the request to the state board for occupational education.

(c) If the request is from the council on higher education for a university or community college and is approved, notification of the approval shall be sent to the council on higher education which shall proceed through regular channels to implement the program. If the request is from a state vocational center or school and is approved, notification of the approval shall be given to the bureau of vocational education which shall proceed through regular channels to implement the program.

(d) If the state board for occupational education does not approve the request, the applicant shall be notified and a conference shall be held with the applicant. The board may require the applicant to supply additional information and may conduct a full review of the request and its previous decision. If, after review, the board approves the request, the board, applicant and bureau of vocational education shall proceed in accordance with paragraph (c) of this subsection. If the applicant's appeal is disapproved, the board shall supply the applicant with the reasons for its disapproval, which shall be absolute and final.

(e) All requests shall be reviewed and decisions made in accordance with data which justifies or denies the need for the requested program.

(11) The state board for occupational education, in conjunction with the state board for elementary and secondary education and the council on higher education, shall by program title prepare a complete listing of programs of a vocational-technical-occupational type offered in public institutions of higher education and the community colleges, state vocational-technical schools and centers, and junior and senior high schools. These listings shall distinguish between vocational-technical-occupational programs for which approval is required by the state board for occupational education, and other general education programs. The state board for occupational education shall only be concerned with vocational-technical-occupational programs.

(12) The state board for occupational education shall have the authority and responsibility to review and to make recommendations to the council on higher education concerning both new programs and existing programs at the associate degree level offered at the institutions of public higher education, including the community colleges, if these programs are of a vocational-technical-occupational type.

SECTION 99. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) The office of superintendent of public instruction shall consist of the superintendent of public instruction and the office of legal and legislative services. The office of legal and legislative services shall consist of the office head and the assistant office head, who shall be major assistants to the superintendent of public instruction, and the division of equal education opportunities.

(2) The office of the deputy superintendent of public instruction shall consist of the deputy superintendent and the following additional offices which are hereby created:

(a) The office of management information services shall provide data processing and statistical information services for the Kentucky department of education. The office of management information services shall consist of (i) the office head and the assistant office head, who shall be major assistants to the superintendent of public instruction; (ii) the division of program development and maintenance; and (iii) the division of data control.

(b) The office of communication services shall consist of (i) the office head and the assistant office head, who shall be major assistants to the superintendent of public instruction; (ii) the division of publications; (iii) the materials center, duplicating services; and (iv) the unit for dissemination.

(c) The office of research and planning shall consist of (i) the office head and the assistant office head, who shall be major assistants to the superintendent of public instruction; (ii) the division of special services; (iii) the division of ESEA title IV; and (iv) the division of guidance and social work, which shall include a unit for social workers and health coordinators.

(d) The office of finance and personnel services is created and shall consist of (i) the office head and assistant office head who shall be major assistants to the superintendent of public instruction; (ii) the division of personnel and payroll services; (iii) the division of budget development and accounting; (iv) the division of purchasing, property control, and internal services; (v) the division of finance for vocational education; (vi) the division of finance for federally related programs; (vii) the division of finance for exceptional children; (viii) the division of school food services; and (ix) the division of finance for rehabilitation services.

(3) The office of the deputy superintendent for occupational education shall include the deputy superintendent and other units which are hereby created as follows:

(a) The division of liaison services between the department for occupational education and the institutions of higher education shall be headed by a director who shall report to the deputy superintendent for occupational education. The division shall generally serve as a liaison between the department for occupational education and the council on higher education, to provide and promote harmonious relations, exchange of relevant information, and to prevent the unwarranted offering of duplicating occupation type programs by various state institutions for the same target population. The division shall coordinate the review of occupation type program requests which are directed to the state board for occupational education.

(b) The bureau of vocational education shall consist of (i) the bureau head and assistant bureau head, who shall be major assistants to the superintendent of public instruction; (ii) the division of vocational program development; (iii) the division of vocational program management; (iv) the division of interagency relations; (v) the division of vocational program supporting services; and (vi) the division of adult education.

(c) The bureau of rehabilitation services shall consist of (i) the bureau head and assistant bureau head, who shall be major assistants to the superintendent of public instruction; (ii) the division of rehabilitation services; (iii) the division of training and special programs; (iv) the east Kentucky rehabilitation center; and (v) the division of rehabilitation facility services.

(4) The office of deputy superintendent for elementary and secondary education shall consist of the deputy superintendent and other units which are hereby created as follows:

(a) The bureau of instruction shall consist of (i) the bureau head and the assistant bureau head, who shall be major assistants to the superintendent of public instruction; (ii) the division of program development, including in addition to the present organizational units the curriculum laboratory portion of the materials center, the unit for career education, and a consultant for early childhood education; (iii) the division of instructional media; (iv) the division of compensatory education; (v) the division of teacher education and certification; and (vi) the division of supervision, accreditation, and organization with separate units for supervision and accreditation.

(b) The bureau of education for exceptional children shall consist of (i) the bureau head and assistant bureau head, who shall be major assistants to the superintendent of public instruction; (ii) the division of learning disabilities; (iii) the division of emotionally disturbed; (iv) the division of mental retardation; (v) the division of physically handicapped; (vi) the division of communicative disorders; (vii) the division of supporting services; (viii) thedivision of field services; and (ix) the division of residential services including responsibilities for the school for the deaf and the school for the blind.

(c) The bureau of administration and finance for local school systems shall consist of (i) the bureau head and assistant bureau head who shall be major assistants to the superintendent of public instruction; (ii) the division of local school district finance including the coordination of public law 81-874 and public law 81-815; (iii) the division of pupil transportation; (iv) the division of buildings and grounds; (v) the division of pupil personnel attendance and accounting; (vi) the division of local school district administrative services; (vii) the division of surplus property; and (viii) the division of energy conservation.

Section 100. KRS 157.221 is amended to read as follows:

(1) The state board *for elementary and secondary* [of] education shall create a "bureau of education for exceptional children" in the state department of education, separate from any other existing bureau, to supervise and direct a state program for exceptional children of this Commonwealth.

(2) The state board *for elementary and secondary* [of] education shall establish appropriate divisions within the bureau of education for exceptional children. [These divisions shall include, but not be limited to, the following five (5) divisions: learning disabilities, communication disorders, mental retardation, physically handicapped, and emotionally disturbed.]

(3) *The state board for elementary and secondary education, upon recommendation of the superintendent of public instruction shall adopt rules and regulations for the operation of the bureau* [It shall be the duty of this bureau to recommend rules and regulations for adoption by the state board of education,] and generally carry out the program provided for in KRS 157.200 to *157.290* [157.305], 157.360, and 167.210 to 167.240.

(4) *The state board for elementary and secondary education, upon recommendation of the superintendent of public instruction, shall appoint a head of the bureau and necessary assistants to carry out the work of the bureau.* [This bureau shall have an assistant superintendent of public instruction and necessary assistants appointed by the superintendent of public instruction. No person shall be employed as assistant superintendent of public instruction of the bureau of education for exceptional children who does not hold a master's degree in education, with emphasis in one or more areas of exceptionality. The assistant superintendent shall have had successful supervisory experience in the education of exceptional children. No person shall be employed as a director within the bureau of education for exceptional children who has not had thirty or more semester hours of graduate work, at least twenty hours of which shall have been in the education of one or more areas of exceptionality. The director shall have had successful teaching or supervisory experience in the education of exceptional children.]

Section 101. KRS 158.520 is amended to read as follows:

(1) Career education shall be conducted in the elementary, secondary, post secondary, and adult education programs administered by the department of education [under authority of the state board of education] as a process incorporated into the total curriculum and in conjunction with courses in any appropriate area of study.

(2) Career education shall include, but not be limited to, the areas of:

(a) Personal development, including the development of competencies necessary to acquire basic learning skills; communicate; compute using the basic processes; acquire knowledge and skills through continued learning; make informed decisions relating to career and life development; apply acquired knowledge and skills to real-life situations; pursue personal interests and enrichment; and obtain and apply knowledge of physical fitness, nutrition, and mental health to life-long personal health maintenance;

(b) Career and occupational awareness, including information, activities and guidance procedures of the career education concept designed to develop the understanding and ability necessary to make career choices, to cope with the changing economic and occupational environment, and to develop occupational and educational competencies necessary for employment and continued education;

(c) Economic understanding, including knowledge of economic systems, information on tax structures and obligations, understanding of personal and family money management, and the competencies required for the application of such knowledge and understanding to consumer practices;

(d) Citizenship, including the rights and responsibilities of citizenship in the community, state, nation, and world social and political orders;

(e) Family life, including information and activities designed to develop an understanding of the role of the individual in family life, the rights and responsibilities incumbent upon each role participant, the responsibilities and duties of marriage and parenthood, and the theories and practices of child rearing and early childhood development; and

(f) Human relations, including knowledge of the relationship of the individual to his social, cultural, natural, and political environments, and understanding of the worth and dignity of other people, and the skills and understanding required in developing an ability to work with and relate to other individuals and groups, and an appreciation of the historical and cultural heritage and values of his environment and that of others.

(3) Career education shall be sequential in nature and suited to meet the needs of the students at their respective grade levels.

Section 102. KRS 161.025 is amended to read as follows:

(1) There shall be a Kentucky council on teacher education and certification whose members shall be appointed by the superintendent of public instruction as follows:

(a) The dean or department head for education from each of the state universities and state senior colleges;

(b) Three (3) academic deans from the private senior colleges and universities selected so that representation shall be rotated among the private institutions;

(c) Fourteen (14) members, selected from nominees submitted by those professional organizations designated by the superintendent of public instruction as being most representative of the professional members to be appointed, to be nominated and selected in a manner to provide geographic representation, to include:

1. Two (2) members, who at the time of appointment shall hold the positions of local school superintendent,

2. Three (3) members, who at the time of appointment shall hold administrative or supporting personnel positions in which the major duties are other than classroom teaching,

3. Nine (9) members, who at the time of appointment shall hold positions as classroom teachers;

(d) One (1) member to be selected from a list of nominees submitted by the governing body of the Kentucky school boards association;

(e) One (1) member to be selected from a list of nominees submitted by the governing body of the Kentucky branch national congress of parents and teachers;

(f) Two (2) members selected at large;

(g) One (1) member from the [Kentucky state] department *for elementary and secondary* [of] education representing teacher education and certification, who shall serve as executive secretary*;*

(h) One (1) member from the department for occupational education;

(i) Two (2) members, who at the time of appointment, shall hold positions in occupational education.

(2) Each individual appointment shall be for a period of four (4) years except that one-half (1/2) of the initial appointments shall be for two (2) year terms. Members may serve successive terms if renominated and re-appointed in the manner prescribed for membership. Vacancies shall be filled as they occur in a manner consistent with the provisions for initial appointments.

(3) At the first meeting held on or after July 1 of each year a chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. The executive secretary shall keep records of proceedings and shall prepare the approved recommendations for transmission to the *superintendent of public instruction, the* state board *for elementary and secondary* [of] education, *and the state board for occupational education,* and other appropriate agencies. Regular meetings shall be held at least biannually on call by the chairman.

(4) The Kentucky council on teacher education and certification shall develop and recommend policies and standards relating to teacher preparation and certification including: The requirements for the preparation and certification of teachers and other professional school personnel; the standards and procedures for the approval of college and university programs for the preparation of teachers and other professional school personnel.

(5) To carry on the functions relating to its duties and responsibilities the Kentucky council on teacher education and certification is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences and publish information.

Section 103. KRS 161.030 is amended to read as follows:

(1) The certification of all teachers and other school personnel is vested in the state board *for elementary and secondary* [of] education. *When so certified, teachers and other school personnel shall not be required to have licensure, certification, or other forms of approval from any other state agency for the performance of their respective assignments within the common schools.* All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the published rules and regulations of the state board *for elementary and secondary* [of] education through the superintendent of public instruction.

(2) In the case of nontax supported schools, standards for teacher certification shall provide for the certification without further educational requirements, of any administrator, supervisor, or teacher who has attended, and received a bachelor's degree from, a *standard* college or university [accredited by a national or regional association in the United States, or who, at the discretion of the State Board of Education, has the equivalent degree from a foreign college or university of comparable standing].

(3) [(2)] Certificates shall be issued to persons who have completed, at such colleges and universities as have been approved by the State Board *for Elementary and Secondary* [of] Education for the preparation of teachers and other school personnel, the curricula prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board *for Elementary and Secondary* [of] Education for the certificates.

(4) [(3)] The State Board *for Elementary and Secondary* [of] Education shall approve the curricula of any standard college or university, or of any department thereof for the training of teachers, when the curricula comply with the rules and regulations of the State Board *for Elementary and Secondary* [of] Education and are equivalent to any or all the curricula prescribed for the state institutions for the issuance of certificates to students of the state institutions, and when the institution has otherwise met the terms and conditions provided in KRS 161.010 to 161.120. Any student of such institution who has completed any of these curricula or the equivalent thereof, as approved by the State Board *for Elementary and Secondary* [of] Education, and who in addition thereto has completed the prescribed requirements for the issuance of certificates for teaching to students of the state institutions may, by the State Board *for Elementary and*

Secondary [of] Education, be granted a certificate for teaching of the same validity and tenure as certificates issued to students completing like requirements in the state institutions.

SECTION 104. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

Prior to submission of the formal budgetary requests of the department of education, established in KRS 156.010, to the Governor and Executive Branch, complete copies shall be forwarded to the boards for elementary and secondary, and occupational education, to enable both boards to fully investigate and review said requests and make recommendations to the Governor.

Section 105. The reviser of statutes shall make all changes in the Kentucky revised statutes necessary and appropriate to carry out the intent of this Act and executive orders 77-331, 77-410 and 77-453 in order that said statutes shall conform to the plan establishing and reorganizing the council on higher education and specifically whenever the following language appears in the presently existing statutes, either expressly, impliedly or by words of reference, the language shall be changed by the reviser of statutes to read as follows:

1. 'Council on public higher education' to 'council on higher education,' and specifically the reviser of statutes shall make such changes when such language appears in KRS Chapters 12, 61, 152, 164, 165A, 168, 194 and 367.
2. 'Executive director of the council on public higher education' to 'executive director of the council on higher education,' and specifically the reviser of statutes shall make such changes when such language appears in KRS Chapters 12, 164, 165A and 194.

Section 106. KRS 164.010 is amended to read as follows:

There shall be a council on [public] higher education in Kentucky, to be composed of the superintendent of public instruction, *one (1) member of the state board for elementary and secondary education, one (1) member of the state board for occupational education,* ten (10) lay members appointed by the governor, and the president or chief executive officer of each four-year state institution of higher education in the state. The superintendent of public instruction and ten (10) lay members shall constitute the voting membership of the council. The lay members shall be appointed for regular terms of four (4) years, with the initial appointment of two (2) members for one (1) year, two (2) members for two (2) years, two (2) members for three (3) years and four (4) members for four (4) years. Any person, other than the superintendent of public instruction, holding either an elective or appointive state office or who is a member of the governing board of any state or private college or university in Kentucky shall be ineligible for membership or appointment on the council during his membership or term of office. When the council meets to consider curricula for teacher education, three (3) persons who are from accredited institutions of higher learning, and who have been appointed by the executive committee of the Kentucky association of colleges, secondary and elementary schools, shall be invited to meet with the council in an advisory capacity.

Section 107. KRS 164.020 is amended to read as follows:

The council on [public] higher education in Kentucky shall:

(1) Engage in analyses and research to determine the overall needs of higher education in the Commonwealth.

(2) Develop and transmit to the governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state colleges and universities, the community colleges, and the University of Kentucky as provided by statute. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in such federal legislation; Provided, however, That when such federal legislation requires *additional* representation on any such "single state agency" *the council on higher education shall establish such advisory groups as may be necessary to satisfy such federal legislative or regulatory guidelines* [by private or nonstate institutions of higher education in the state, the commission on higher education, or its successor agency, shall be considered the "single state agency" as that term may be used in such federal legislation].

(3) Determine the amount of entrance and/or registration fees and approve the qualifications for admission to the public institutions of higher education. In determining the entrance and/or registration fees for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and such other factors as the council may in its sole discretion deem pertinent.

(4) Consider the requirements and review the budget requests, which shall be prepared in the manner and submitted by the institutions to the council by dates prescribed by the council, of the institutions of public higher education as to their appropriate level of support considering the functions of the institutions and their

respective needs. The individual institutions' budget requests, including tuition and registration fee schedules for all categories of students, along with council recommendations which shall be submitted to the governor through the executive department for finance and administration not later than November 15 of each odd numbered year.

(5) Review and approve all capital construction projects the cost of which exceeds one hundred thousand dollars ($100,000) approved by the governing boards of the state-supported institutions of higher education prior to the institutions' submission of such projects to the executive department for finance and administration and/or state property and buildings commission.

(6) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties.

(7) Publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education.

(8) *Define and* approve *the offering of* all *higher education associate, baccalaureate, graduate, and professional degree or certificate programs in the state-supported higher education institutions* [graduate degree programs including all schools and degree programs for which professional, regional and/or national accreditation of the school or program is available and/or licensing or certification of the graduate are required]. Review proposals and make recommendations to the governor regarding the establishment of new state-supported community colleges and new four-year colleges. Provided, nothing in KRS 164.010, 164.020, 164.125, and 164.290 to 164.295 shall be construed to grant the council on [public] higher education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

(9) *Approve teacher education programs in public institutions* [Prescribe the curricula for teacher education].

(10) Elect a chairman annually from the voting membership and appoint an executive director and such staff as may be needed and fix their compensation without limitation of the provisions of KRS chapter 18 and KRS 64.640 subject to the approval of the commissioner of personnel and the commissioner of the executive department for finance and administration.

(11) Constitute the representative agency of the Commonwealth in all matters of higher education of a general and statewide nature which are not otherwise delegated to one or more institutions of higher learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment.

SECTION 108. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

There is established in the council on higher education a Kentucky center for education statistics to serve as a coordinated, cooperative, and comprehensive data collection, storage, and utilization system for the overall planning for higher education in the Commonwealth.

Section 109. KRS 164.125 is amended to read as follows:

(1) The University of Kentucky shall provide:

(a) *Upon approval of the council on higher education, associate and* baccalaureate programs of instruction;

(b) Upon approval of the council on [public] higher education, master degree programs, specialist degree programs above the masters-degree level, and joint doctoral programs in cooperation with other state-supported institutions of higher education in the state;

(c) Upon approval of the council on [public] higher education, doctoral and post-doctoral programs and professional instruction including law, medicine, dentistry, education, architecture, engineering and social professions.

(2) The University of Kentucky shall be the principal state institution for the conduct of statewide research and statewide service programs and shall be the only institution authorized to expend state general fund appropriations on research and service programs of a statewide nature financed principally by state funds. As applied in this section, research and service programs of a statewide nature shall be programs requiring the establishment and operation of facilities or centers outside of the primary service area of the institution.

(3) The University of Kentucky is authorized to provide programs of a community college nature in its own community comparable to those listed for the community college system, as provided by KRS chapter 164.

Section 110. KRS 164.295 is amended to read as follows:

The six (6) state universities shall provide:

(1) *Upon approval of the council on higher education, associate and* baccalaureate programs of instruction;

(2) Upon approval of the council on [public] higher education, graduate programs of instruction at the masters-degree level in education, business, and the arts and sciences, specialist degrees and programs beyond the masters-degree level to meet the requirements for teachers, school leaders and other certified personnel;

(3) Research and service programs directly related to the needs of their primary geographical areas;

(4) And, may provide programs of a community college nature in their own community comparable to those listed for the University of Kentucky community college system, as provided by this chapter.

Section 111. KRS 164.815 is amended to read as follows:

(1) The university of Louisville shall provide:

(a) *Upon approval of the council on higher education, associate and* baccalaureate degree programs of instruction;

(b) Upon approval of the council on [public] higher education, masters degree programs, specialist degrees above the masters degree level, doctoral degree programs and joint doctoral programs in cooperation with other state-supported institutions of higher education;

(c) Upon approval of the council on [public] higher education, professional degree programs including medicine, dentistry, law, engineering and social professions.

(2) The university of Louisville is authorized to provide programs of a community college nature in its own community comparable to those listed for the community college system as provided in this chapter.

(3) The university of Louisville shall continue to be a principal university for the conduct of research and service programs without geographical limitation but subject to the implied limitation of KRS 164.125 (2).

Section 112. KRS 164.820 is amended to read as follows:

(1) The government of the university of Louisville is vested in a board of trustees consisting of *fifteen (15)* [ten] competent citizens of Kentucky appointed by the governor; one non-voting member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; and a student member who shall be the president of the student body; however, if the student body president is not a full-time student who maintains permanent residency in the commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this commonwealth as the student member. The faculty member and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring by reason of such termination shall be filled for the remainder of the respective terms in the same manner. The *fifteen (15)* [ten] citizen members of the board shall annually elect one of their number to serve as chairman of the board.

(2) To facilitate transition of the university of Louisville to full status as a state institution, terms of members of the board of trustees in office on July 1, 1970, shall be terminated as of that date or as of the date their successors are appointed and qualify, and their successors shall be appointed by the governor according to the following schedule:

(a) Two (2) for one (1) year terms.

(b) Two (2) for two (2) year terms, one (1) of which shall be an alumnus or alumna of the university, selected from a list of three (3) names submitted by the alumni of the University in such manner and according to rules prescribed by the board of trustees;

(c) Three (3) for three (3) year terms.

(d) *Eight (8)* [Three (3)] for four (4) year terms, *one (1) of whom shall be an alumnus or alumna of the university, selected as under subsection (2)(b) of this section.*

(3) At the expiration of the respective terms of the citizen members of the board of trustees as prescribed in subsection (2) of this section, successors shall be appointed by the governor for terms of four (4) years each, and in making such appointments the governor shall observe the requirements relating to nominations by the alumni members. Subject to such requirements the governor shall make his appointments from the state at large so as to divide the representation upon the board as nearly equally as possible between the two (2) leading political parties in this state.

(4) Vacancies among the citizen members of the board occurring by death, resignation, removal of residence from the commonwealth or any other cause shall be filled by appointments made by the governor for the expiration of the term, subject to the qualifications set forth in subsection (3) of this section.

(5) No member of the board of trustees or of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty and student members.

(6) Subsection (2) of KRS 63.080 is hereby expressly made applicable to members of the board of trustees of the University of Louisville.

SECTION 113. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) There shall be established in the council on higher education an office of geriatrics-gerontology. The office shall be administered by a recognized authority in such disciplines who shall have completed a doctorate degree in gerontology or related disciplines with an emphasis in gerontology from an accredited college or university and who shall have a minimum of two (2) years of professional experience in working with older persons. If such authority with a doctorate degree in gerontology or related disciplines with an emphasis in gerontology cannot be located the office shall be administered by a recognized authority with a master's degree in gerontology or related disciplines with an emphasis in gerontology from an accredited college or university and who shall have a minimum of two (2) years of professional experience in working with older persons. Such administrator shall be appointed by the governor from a list of three (3) nominees submitted by a committee composed of representatives from the university of Kentucky college of social professions, the university of Kentucky medical school, the university of Louisville kent school of social work, and the university of Louisville medical school.

(2) The office of geriatrics-gerontology shall stimulate the inauguration and continuance of courses in geriatrics and gerontology in the universities and community colleges funded by the Commonwealth of Kentucky.

(3) The administrator of the office shall cooperate with the medical schools, the schools of social work, the schools of nursing and such disciplines within the community colleges and universities as deemed applicable to educate the students therein concerning the processes of aging and the conditions, mental and physical, attendant upon aging. The office shall seek the cooperation of appropriate authorities within such universities and community colleges to draw from the several disciplines within each school to establish and conduct such courses. The administrator of the office shall be available for consultation to such universities and community colleges.

SECTION 114. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established the Kentucky historic preservation review board, which shall aid and advise the Kentucky heritage commission in the selection of historic sites and all duties pursuant to public law 89-669, as amended, and regulations issued pursuant thereto.

(2) The board shall be composed of eleven (11) members appointed by the governor; one (1) of whom shall be a professionally recognized historian; one (1) an architect; and one (1) an archeologist. Each board member shall receive twenty-five dollars ($25) per diem and necessary expenses for performance of his duties.

Section 115. KRS 183.820 is amended to read as follows:

(1) There shall be a unit of civil air patrol in the department of *military affairs* [transportation]. The unit shall consist of the Kentucky wing of the civil air patrol and such other units and personnel as are added by administrative order.

(2) The commanding officer of the Kentucky wing of the civil air patrol shall be ex officio the head of the unit.

Section 116. KRS 183.840 is amended to read as follows:

The *adjutant general* [secretary of transportation] shall coordinate the activities of the unit with the federal government and any of its agencies in all matters relating to aeronautical training and education, communications, rescue work, mercy missions, aerial observation, establishment of navigational aids, and other functions within the scope of activity of the civil air patrol.

Section 117. KRS 183.850 is amended to read as follows:

No portion of moneys appropriated for the unit of the civil air patrol shall be expended without the approval of the *adjutant general* [secretary of transportation] nor shall they be expended for the payment of compensation to members of the civil air patrol or the purchase of uniforms for any member of the civil air patrol.

Section 118. KRS 194.030 is amended to read as follows:

The department for human resources shall consist of the following major organizational units which are hereby created:

(1) office of the secretary.

(2) The office for policy and budget. The office for policy and budget shall provide the secretary with professional support in planning, budgeting, and policy analysis, including the appraisal of needs, the formulation of policy and the evaluation of programs. The office for policy and budget shall be headed by an administrator who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050.

(3) The office of the counsel. The office of the counsel shall provide legal advice and assistance to all units of the department in any legal action in which it may be involved. The office of the counsel shall employ all attorneys of the department who serve the department in the capacity of attorney and shall administer all personal service contracts of the department for legal services. The office of the counsel shall be headed by a general counsel who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The attorney general, on the request of the secretary, may designate the general counsel as an assistant attorney general in accordance with the provisions of KRS 15.105.

(4) The office of the ombudsman. The office of the ombudsman shall provide a review of citizen complaints on services of the department for human resources when such complaints cannot be resolved through normal administrative remedies. The office of the ombudsman shall be headed by an ombudsman who shall be appointed by the governor with the advice of the secretary. The ombudsman shall be directly responsible to the secretary.

(5) The *office of administrative services* [bureau for administration and operations]. The *office of administrative services* [bureau for administration and operations] shall be responsible for providing [or directing the provision of all] administrative [and operational] support services within the department for human resources. All fiscal, [personnel,] facility [,] and information management functions of the department shall be vested in the *office of administrative services* [bureau for administration and operations]. The *office of administrative services* [bureau for administration and operations] shall be headed by a *executive director* [commissioner for administration and operations] who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The *executive director* [commissioner for administration and operations] shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The *executive director* [commissioner for administration and operations] shall exercise authority over the *office of administrative services* [bureau for administration and operations] under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(6) The bureau for social insurance. The bureau for social insurance shall develop and operate all programs of the department that provide income maintenance or income supplementation services and all social insurance benefit programs. The bureau for social insurance shall also be responsible for all eligibility determination and certification functions associated with these programs. The bureau for social insurance shall be headed by a commissioner for social insurance who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for social insurance shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for the bureau for social insurance shall exercise authority over the bureau for social insurance under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(7) The bureau for health services. The bureau for health services shall develop and operate all programs of the department that provide health and mental health services and all programs for the prevention, detection, care, and treatment of physical and mental disability, illness, and disease. The bureau for health services shall be headed by a commissioner for health services who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for health services shall be a person who by licensure in medicine under KRS chapter 311 and experience and training in administration and management is qualified to perform the duties of this office. The commissioner for health services shall exercise authority over the bureau for health services under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(8) The bureau for social services. The bureau for social services shall develop and operate all social service programs of the department. The bureau for social services shall be headed by a commissioner for social services who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for social services shall be a person who by education, professional qualification, training, and experience in the administration and management of social service programs is qualified to perform the duties of this office. The commissioner for the bureau for social services shall exercise authority over the bureau for social services under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(9) The bureau for manpower services. The bureau for manpower services shall develop and operate all manpower development and placement programs including all job recruitment and business liaison functions, employability development and training programs, and all job counseling and job placement programs of the department. The bureau for manpower services shall be headed by a commissioner for manpower services who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for the bureau for manpower services shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for the bureau for manpower services shall exercise authority over the bureau for manpower services under the direction of the secretary and shall fulfill only such responsibilities as delegated by the secretary.

(10) The office of the inspector general. The office of the inspector general shall be responsible for: (a)The conduct of audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the department has contracted; (b)Such licensing and regulatory functions as the secretary may delegate; and (c) the notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority. The office of the inspector general shall be headed by an inspector general who shall be appointed by the secretary with the approval of the governor. The inspector general shall be directly responsible to the secretary.

Section 119. KRS 194.090 is amended to read as follows:

The department shall include citizen advisory bodies within its structure to provide independent advice from the general public. The citizen bodies within the department shall have the following structure:

(1) There is hereby created, within the department, a citizens' commission for human resources.

(a) The citizens' commission for human resources shall advise the governor, the secretary for human resources, and other officials of the Commonwealth on policy matters relating to the health, welfare, manpower, and other human service needs of the citizens of the Commonwealth of Kentucky and the health, welfare, manpower, and other human service programs developed and operated by the Commonwealth of Kentucky to address those needs. The citizens' commission for human resources shall also advise the secretary for human resources on the identification of service needs, the formulation of policy, the development of program alternatives, the evaluation of program proposals, the determination of program priorities, the allocation of resources, proposed state and federal legislation, and proposed state and federal administrative regulations.

(b) The citizens' commission for human resources shall be composed of no more than *fifteen (15)* [eleven (11)] members appointed by the governor. The members of the citizens' commission for human resources shall be chosen to broadly represent public interest groups concerned with the human service programs operated by the department for human resources, professionals involved in the delivery of human services, minority groups, recipients of human services provided by the state, and the general public. *The governor shall appoint the chairman of the citizens' commission for human resources upon the recommendation of the secretary for human resources.* [The members of the citizens' commission for human resources shall elect a chairman.] The secretary for human resources shall be a nonvoting ex-officio member of, staff director for, and secretary to, the citizens' commission for human resources. The citizens' commission for human resources shall meet at least quarterly and on other occasions as may be necessary, on the call of the chairman of the citizens' commission for human resources or the secretary for human resources. A majority of the appointed members shall constitute a quorum.

(2) There is hereby created within the department for human resources a council for health services.

(a) The council for health services shall advise the citizens' commission for human resources, the secretary for human resources, the commissioner for health services, and other officials of the commonwealth on policy matters concerning the delivery of health services including the assessment of needs, the development of program alternatives, the determination of priorities, the formulation of policy, the allocation of resources, and the evaluation of programs. The council for health services shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide health services.

(b) The council for health services shall be composed of no more than nineteen (19) citizen members appointed by the governor. Members of the council for health services shall be chosen to broadly represent public interest groups concerned with health services, professionals involved in the delivery of health services, recipients of health services provided by the state, minority groups, and the general public. The governor shall appoint the chairman of the council for health services who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources and the commissioner for health services shall be nonvoting ex-officio members of the council for health services, and the commissioner for health services shall be staff director for, and secretary to the council for health services. The council for health services shall meet at least quarterly and on other occasions as may be necessary, on the call of the secretary for human resources or the commissioner for health services. A majority of the appointed members shall constitute a quorum.

(3) There is hereby created within the department for human resources a council for social insurance.

(a) The council for social insurance shall advise the citizens' commission for human resources, the secretary for human resources, the commissioner for social insurance, and other officials of the Commonwealth on policy matters concerning the delivery of social alternatives, the determination of priorities, the formulation of policy, the allocation of resources, and the evaluation of programs. The council for social insurance shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide income maintenance and supplementation services.

(b) The council for social insurance shall be composed of no more than fifteen (15) citizen members appointed by the governor. Members of the council for social insurance shall be chosen to broadly represent public interest groups concerned with social insurance programs operated by the commonwealth, minority groups, the poor, recipients of social insurance services provided by the state and the general public. The governor shall appoint the chairman of the council for social insurance, who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources and the commissioner for social insurance shall be nonvoting ex-officio members of the council for social insurance, and the commissioner for social insurance shall be staff director for and secretary to the council for social insurance. The council for social insurance shall meet at least quarterly and on other occasions as may be necessary, on the call of the secretary for human resources or the commissioner for social insurance. A majority of the appointed members shall constitute a quorum.

(4) There is hereby created within the department for human resources a council for social services.

(a) The council for social services shall advise the citizens' commission for human resources, the secretary for human resources, the commissioner for social services, and other officials of the Commonwealth on policy matters concerning the delivery of social services including the assessment of needs, the development of program alternatives, the determination of priorities, the formulation of policy, the allocation of resources, and the evaluation of programs. The council for social services shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide social services.

(b) The council for social services shall be composed of no more than fifteen (15) citizen members appointed by the governor. Members of the council for social services shall be chosen to broadly represent public interest groups concerned with social services, professionals involved in the delivery of social services, minority groups, the disadvantaged, recipients of social services provided by the state, and the general public. The governor shall appoint the chairman of the council for social services, who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources and the commissioner for social services shall be nonvoting ex-officio members of the council for social services, and the commissioner for social services shall be staff director for, and secretary to, the council for social services. The council for social services shall meet at least quarterly and on other occasions as may be necessary, on the call of the secretary for human resources or the commissioner for social services. A majority of the appointed members shall constitute a quorum.

(5) There is hereby created within the department for human resources a council for manpower services.

(a) The council for manpower services shall advise the citizens' commission for human resources, the secretary for human resources, the commissioner for manpower services, and other officials of the Commonwealth on policy matters concerning the delivery of manpower services including the assessment of needs, the development of program alternatives, the determination of priorities, the formulation of policy, the allocation of resources, and the evaluation of programs. The council for manpower services shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide manpower services.

(b) The council for manpower services shall be composed of no more than nineteen (19) citizen members appointed by the governor. Members of the council for manpower services shall be chosen to broadly represent public interest groups concerned with manpower services, professionals, organized labor, private industry and business, recipients of manpower services provided by the Commonwealth, minority groups, and the general public. The governor shall appoint the chairman of the council for manpower services, who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources and the commissioner for manpower services shall be nonvoting ex-officio members of the council for manpower services, and the commissioner for manpower services shall be staff director for, and secretary to the council for manpower services. The council for manpower services shall meet at least quarterly and on other occasions as may be necessary, on the call of the secretary for human resources or the commissioner for manpower services. A majority of the appointed members shall constitute a quorum.

(6) There is hereby created within the department for human resources an institute for aging.

(a) The institute for aging shall advise the citizens' commission for human resources, the secretary for human resources, and other officials of the Commonwealth on policy matters relating to the development and delivery of services to the aged. The institute for aging shall be primarily concerned with identifying special needs of the aged and advising the secretary for human resources on how the department may integrate its various programs and services to yield the maximum possible benefit for the aged. The institute for aging shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide services to the aged.

(b) The institute for aging shall be composed of no more than eleven (11) citizen members appointed by the governor. Members of the institute for aging shall be chosen to broadly represent public interest groups concerned with the needs of the aged, professionals involved in the delivery of services to the aged, minority groups, recipients of state-provided services to the aged, and the general public. The governor shall appoint a chairman of the institute for aging, who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources shall be a nonvoting ex-officio member of, staff director for, and secretary to, the institute for aging. The institute for aging shall meet at least quarterly and on other occasions as may be necessary, on the call of the secretary for human resources. A majority of the appointed members shall constitute a quorum.

(7) There is hereby created within the department for human resources an institute for children.

(a) The institute for children shall advise the citizens' commission for human resources, the secretary for human resources, and other officials of the commonwealth on policy matters relating to the development and delivery of services to children, adolescents, and the developmentally disabled. The institute for children shall be primarily concerned with identifying the special needs of these clientele groups and advising the secretary on how the department for human resources may integrate its various programs and services to yield the maximum possible benefit for children, adolescents, and the developmentally disabled. The institute for children shall be utilized by the department for human resources to fulfill federal requirements for citizens' advisory councils associated with programs designed to provide services to these clientele groups.

(b) The institute for children shall be composed of no more than eleven (11) citizen members appointed by the governor. Members of the institute for children shall be chosen to broadly represent public interest groups concerned with the needs of children, adolescents, and the developmentally disabled, professionals involved in the delivery of services to these clientele groups, minority groups, recipients of state-provided services to these clientele groups, and the general public. The governor shall appoint a chairman of the institute for children who by virtue of his appointment shall also serve as one of the voting members of the citizens' commission for human resources. The secretary for human resources shall be a nonvoting ex-officio member of, staff director for, and secretary to, the institute for children. The institute for children shall meet at least quarterly and on other occasions as may be necessary on the call of the secretary for human resources. A majority of the appointed members shall constitute a quorum.

Section 120. KRS 196.070 is amended to read as follows:

The commissioner of the bureau of corrections shall:

(1) Supervise and administer the Kentucky state reformatory, [at LaGrange located in Oldham County and] the *Kentucky correctional institution for women* [women's prison], the Kentucky state penitentiary [at Eddyville], *other minimum security correctional institutions established and operated by the bureau,* or any divisions of those institutions, and the prison industry program within those institutions.

(2) Supervise the employment of prisoners who have not been paroled or conditionally released, either within or without the walls or enclosures of these institutions.

(3) Have the authority to transfer, with the approval of the commissioner and the commissioner of the executive department for finance and administration, appropriated funds from the budget of one (1) penal institution to another.

(4) Determine minimum, maximum and conditional release dates of prisoners in accordance with KRS 197.045.

(5) Authorize the transfer of male prisoners between institutions.

(6) Approve the forfeiture or restoration of good time earned by prisoners during their term of confinement.

Section 121. KRS 196.270 is amended to read as follows:

There shall be established and maintained *within* [at each of the institutions operated by] the bureau of corrections a *centralized* canteen *operation* which shall be incorporated and self-supporting. *Each institution administered by the bureau shall participate in the canteen operation.* The directors of *the* [each] canteen shall be as follows: the commissioner, the *deputy commissioner for institutions* [director of the division of staff services], the *deputy commissioner for support services* [director of the division under which the institution is operated], [and] the superintendent*s of the Kentucky state penitentiary, Kentucky state reformatory and Kentucky correctional institution for women, ex officio, and a superintendent from one of the remaining correctional institutions elected at large by the superintendents* [and the business manager of the respective institutions where the canteens are located]. All profits from *the* [each] canteen, *including the sale of handicrafts made by inmates to the general public,* shall be used exclusively for the benefit of the [patients or] inmates of the *bureau* [institution where operated]. *The directors of the canteen are authorized to consolidate the assets of the existing canteens for this purpose and to employ such staff and inmates as are necessary to efficiently manage the canteen.*

Section 122. KRS 198A.030 is amended to read as follows:

(1) There is hereby created and established an independent, de jure municipal corporation and political subdivision of the Commonwealth of Kentucky which shall be a public body corporate and politic to be known as the Kentucky housing corporation.

(2) The Kentucky housing corporation is created and established as a de jure municipal corporation and political subdivision of the Commonwealth of Kentucky to perform essential governmental and public functions and purposes in improving and otherwise promoting the health and general welfare of the people by the production of residential housing in Kentucky.

(3) The housing corporation shall be governed by a board of directors, consisting of *fourteen (14)* [thirteen (13)] members, *six (6)* [five (5)] of whom shall be the *secretary* [commissioner] of the executive department for finance and administration, the *commissioner* [director] of the *department* [office] for local government, the commissioner of revenue, the attorney general, *the secretary of the cabinet for development* and the commissioner of commerce, or their duly appointed designees, as public directors, and eight (8) of whom shall be chosen from the general public residing in the Commonwealth, as private directors.

(4) Upon organization of the housing corporation, the governor shall appoint the eight (8) private directors to take office and to exercise all powers thereof immediately. Of the eight (8) members of the corporation thus appointed, two shall continue in office for terms of one year, and two for terms of two, three and four years respectively as the governor shall designate; at the expiration of said terms and for all succeeding terms, the governor shall appoint a successor to the office of private director for a term of four years in each case.

(5) In case of a vacancy, the governor may appoint a person for such a vacancy to hold office during the remainder of the term.

(6) The governor may remove any private director whom he may appoint in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and may appoint a person for such vacancy as provided in other cases of vacancy.

(7) The governor shall designate a member of the corporation to serve as chairman. The term of the chairman shall extend to the earlier of either the date of expiration of his then current term as a member of the corporation or a date six months after the expiration of the then-current term of the governor designating such chairman.

(8) The corporation shall annually elect one of its members as vice chairman. The corporation shall also elect or appoint, and prescribe the duties of, such other officers as the corporation deems necessary or advisable, including an executive director and a secretary, and the corporation shall fix the compensation of such officers.

(9) The executive director shall administer, manage and direct the affairs and business of the corporation, subject to the policies, control and direction of the members of the corporation. The secretary of the corporation shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents and papers filed with the corporation, the minute book or journal of the corporation and its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the corporation and to give certificates under the official seal of the corporation to the effect that such copies are true copies, and all persons dealing with the corporation may rely upon such certificates.

(10) A majority of the board of directors of the corporation shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies.

(11) Action shall be taken by the corporation upon a vote of a majority of the members present at a meeting called upon three days' written notice to each director or upon the concurrence of at least seven directors.

(12) Directors shall receive no compensation for their services but shall be entitled to their reasonable and necessary expenses actually incurred in discharging their duties under this chapter.

Section 123. KRS 224.012 is amended to read as follows:

There is established within the department a bureau of natural resources, [and] a bureau of environmental protection *and a bureau of surface mining reclamation and enforcement.* Each bureau shall be headed by a commissioner appointed by the secretary with the approval of the governor as required by KRS 12.050. The commissioners shall be directly responsible to the secretary and shall perform such functions, powers and duties as provided by law and as the secretary may prescribe.

Section 124. KRS 224.852 is amended to read as follows:

(1) Application for a pollution control tax exemption certificate shall be filed with the department *of revenue* in such manner and in such form as may be prescribed by regulations issued by the department *of revenue* and shall contain plans and specifications of the structure or structures including all materials incorporated and to be incorporated therein and a descriptive list of all equipment acquired or to be acquired by the applicant for the purpose of air, noise, solid waste or water pollution control and any additional information deemed necessary by the department of revenue for the proper administration of Acts 1974, chapter 137. *The department shall provide technical assistance and factual information as requested in writing by the department of revenue.* If the department *of revenue* finds that the facility qualifies as a pollution

control facility as defined in KRS 224.850(1), it shall enter a finding and issue a certificate to that effect. The effective date of said certificate shall be the date of the making of the application for such certificate.

(2) Before issuing a pollution control tax exemption certificate, the department *of revenue* shall give notice in writing by mail to the *secretary of the department* [commissioner of revenue], and shall afford to the applicant and to the *secretary of the department* [commissioner of revenue] an opportunity for a hearing. On like notice and opportunity for a hearing, the department *of revenue* shall on its own initiative revoke such certificate whenever any of the following appears:

(a) The certificate was obtained by fraud or misrepresentation;

(b) The holder of the certificate has failed substantially to proceed with the construction, reconstruction, installation, or acquisition of the pollution control facilities;

(c) The structure or equipment or both to which the certificate relates has ceased to be used for the primary purpose of pollution control and is being used for a different purpose.

(3) Provided, however, that where the circumstances so require, the department *of revenue* in lieu of revoking such certificate may modify the same.

(4) On the mailing of notice of the action of the department *of revenue* revoking or modifying a certificate as provided in subsection (5) of this section, such certificate shall cease to be in force or shall remain in force only as modified as the case may require.

(5) A pollution control tax exemption certificate, when issued, shall be sent by certified mail to the applicant and notice of such issuance in the form of certified copies thereof shall be sent to the *secretary of the department* [commissioner of revenue]. Notice of an order of the department *of revenue* denying, revoking, or modifying a certificate in the form of certified copies thereof shall be sent by certified mail to the applicant or the holder thereof and shall be sent to the *secretary of the department* [commissioner of revenue]. The applicant or holder and the *secretary of the department* [commissioner of revenue] are deemed parties for the purpose of the review afforded by subsection (6) of this section.

(6) Any party aggrieved by the issuance, refusal to issue, revocation, or modification of a pollution control tax exemption certificate may appeal from the final ruling of the department *of revenue* to the Kentucky board of tax appeals as provided in KRS 131.340.

(7) In the event of the sale, lease, or other transfer of a pollution control facility, not involving a different location or use, the holder of a pollution control tax exemption certificate for such facility may transfer the certificate by written instrument to the person who, except for the transfer of the certificate, would be obligated to pay taxes on such facility. The transferee shall become the holder of the certificate and shall have all rights pertaining thereto, effective as of the date of transfer of the facility or the date of transfer of the certificate, whichever is earlier. The transferee shall give written notice of the effective date of the transfer, together with a copy of the instrument of transfer to the department and to the department of revenue.

(8) In the event a pollution control facility for which an exemption certificate is held ceases to be used for the primary purpose of pollution control or is used for a different purpose than that for which the exemption certificate was granted, the holder of the certificate shall give written notice by certified mail of such change to the department and to the department of revenue.

Section 125. KRS 227.200 is amended to read as follows:

As used in KRS 227.200 to 227.400, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of *housing, buildings and construction* [insurance];

(2) "Department" means the department of *housing, buildings and construction* [insurance];

(3) "Fire loss" means loss of or damage to property, loss of life or personal injury, by fire, lightning or explosion;

(4) "Owner" means any person who owns, occupies or has charge of any property;

(5) "Property" means property of all types, both real and personal, movable and immovable;

(6) "Rule" or "regulation" means a general order of the commissioner, designed for the prevention of fire loss, which affects or may affect property rights of a designated class of owners or for the prevention of fire loss by certain indicated hazards;

(7) "Order" or "special order" means an order of the commissioner, designed for the prevention of fire loss, which affects or may affect the property rights of a particular owner or designated property;

(8) As used in this section and KRS 227.305, unless the context otherwise requires:

(a) "Physically handicapped person" shall mean a person confined to a wheelchair; a person who uses braces or crutches; a person who because of the loss of a foot or leg or because of an arthritic, spastic, pulmonary or cardiac condition, walks with difficulty or insecurity; a person who suffers from a faulty coordination or palsy; a person who is blind or whose sight is so impaired that, functioning in a public area, he is insecure or exposed to danger; a person whose hearing is so impaired that he is unable to hear warning signals; and a person whose mobility, flexibility, coordination and perceptiveness are significantly reduced by aging;

(b) "Public building" shall mean any building constructed, owned or leased by the commonwealth or any political subdivision thereof;

(c) "Public accommodation" shall mean any building defined as a public accommodation by Title II of the Federal Civil Rights Act of 1964, whether or not it affects interstate commerce;

(d) "Facility for physically handicapped persons" shall mean any convenience or device which facilitates the health, safety or comfort of a handicapped person, including, but not limited to, ramps, handrails, elevators, and doors;

(e) "American national standard institute specifications" shall mean the American national standard institute specifications for making buildings and facilities accessible to, and usable by, the physically handicapped, A 117.1-1961; and

(f) "Remodel" shall mean, with respect to an existing public building or public accommodation, to construct an addition, make substantial repairs, or substantially alter the appearance, design or layout.

Section 126. KRS 227.300 is amended to read as follows:

(1) The commissioner shall promulgate reasonable rules and regulations based upon good engineering practice and principles as embodied in recognized standards of fire prevention and protection, providing for a reasonable degree of safety for human life against the exigencies of fire and panic, and insuring as far as is practicable against fire loss. Such rules and regulations shall be known as the standards of safety.

(2) In making such rules and regulations the commissioner shall establish minimum fire prevention and protection requirements, including but not limited to requirements for design, construction, installation, operation, storage, handling, maintenance or use of the following: structural requirements for the various types of construction; building restrictions within congested districts; exit facilities from structures; fire alarm systems and fire extinguishing systems; fire emergency drills; requirements for buildings of public assembly; flue and chimney construction; heating devices; electrical wiring and equipment; air conditioning, ventilating and other duct systems; refrigeration systems; flammable liquids, oil and gas wells; garages, repair and service shops; application of flammable finishes, [explosives,] acetylene, liquefied petroleum gas and similar products; calcium carbide and acetylene generators; dry cleaning and dyeing plants; flammable motion picture film; combustible fibres; airports and airport buildings; hazardous chemicals; rubbish; open flame devices; parking of vehicles; dust explosions; lightning protection; and other special fire hazards.

(3) For the purpose of integrating the need for safety from hazards of fire with the other safety needs of infants or preschool children under institutional care, the commissioner shall allow persons who own, manage or are employed by institutions which provide care or education for infants or preschool children to participate in drafting the standards of safety as they apply to such institutions. Such participation shall be by representation of professional associations relating to infant and preschool care, and by representation from other individuals licensed to provide infant and preschool care, on a committee chaired by the state fire marshal or his designate. Such participation shall occur prior to the publication of proposed regulations in the administrative register pursuant to KRS 13.085 and 13.096, but shall not limit any individual's right to use those procedures set forth in KRS Chapter 13 concerning comment on or protest of proposed regulations. All professional associations relating to infant and preschool care shall be notified by the commissioner when the drafting of standards of safety relating to such institutions is commenced and all such professional associations shall be regularly notified of the time and place of any meetings conducted by authorized employes of the department for the purpose of drafting such standards.

(4) The commissioner shall publish guidelines relating to the standards of safety as they apply to day care and preschool child care centers and nurseries, which shall indicate the items inspectors from the office of the state fire marshal will be looking for when they conduct inspections pursuant to the standards of safety. Such guidelines shall be made available to persons who own, operate or manage such centers or nurseries, and shall be designed to enable said persons to anticipate and comply with the requirements of the standards of safety.

SECTION 127. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

The department of housing, buildings, and construction (hereinafter referred to as the department of housing) is hereby created within the cabinet for public protection and regulation. The department shall be headed by a commissioner appointed by the governor subject to the provisions of KRS 12.040 and who shall report to the secretary of the cabinet for public protection and regulation. The office of the commissioner shall also include a deputy commissioner and executive assistant to the commissioner, who shall be the policy making assistants to the commissioner and shall be appointed pursuant to KRS 12.050. The department shall consist of the division of fire prevention and the division of plumbing.

Section 128. KRS 246.030 is amended to read as follows:

The department shall consist of:

(1) The commissioner;
(2) The board of agriculture;
(3) The state fair board;
(4) The division of markets;
(5) The division of weights and measures;
(6) The board of veterinary examination; [and]
(7) The division of pest and noxious weed control*; and*
(8) The division of statistics.

Section 129. KRS 247.410 is amended to read as follows:
As used in KRS 247.410 to 247.430:
(1) "Council" means the Governor's Council on Agriculture.
(2) "Executive director" means the chief administrative officer of the Council [and head of the Kentucky Farmers Advocate's Office].

Section 130. 247.427 is amended to read as follows:
(1) There is hereby established the Kentucky farmers advocate's office which shall be attached to the development cabinet for administrative purposes, and which shall be headed by *the farmers advocate* [an executive director] appointed by the governor. [The executive director shall be the chief administrative officer of the council.] Such other staff shall be appointed as is necessary to assist in carrying out the purposes of this section.

(2) The [executive director and any other] staff members shall be entitled to compensation under KRS chapter 18, and may be reimbursed for necessary and actual expenses in accordance with the provisions of KRS chapters 44 and 45.

(3) The duties and responsibilities of the Kentucky farmers advocate's office shall be to:

(a) Keep the governor and the council informed on current agricultural and agribusiness developments and problems;

(b) Carry out such directions as the governor and the council may issue;

(c) Advocate and promote programs for the advancement and promotion of agriculture and agribusiness;

(d) Make the facilities of the office available to farmers, and to serve as a forum to which farmers may direct questions and problems;

(e) Serve farmers as a source of information on federal and state agriculutral programs; and

(f) Make available to farmers such other information and services as the facilities of the office afford.

(4) The executive director of the council shall maintain correct and complete records of all the council's transactions and proceedings which shall constitute public records open to inspection at reasonable times.

SECTION 131. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:
There is established a division of developmental services within the governor's council on agriculture, which shall be headed by a director, and shall identify new markets and promote the coordination of agricultural production of the Commonwealth with interests across the nation.

Section 132. KRS 304.1-050 is amended to read as follows:
(1) "Commissioner" means the commissioner of insurance of this state.
(2) "Department" means the department of insurance of this state, unless context otherwise requires.
(3) "Board" means the Kentucky insurance regulatory board.

SECTION 133. A NEW SECTION OF SUBTITLE 2 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:
(1) The Kentucky insurance regulatory board is hereby created and established. The board shall consist of seven (7) members appointed by the governor in addition to the commissioner who shall serve as its chairman and chief administrative officer. The chairman shall be a non-voting member, except that he shall be authorized to cast tie-breaking votes. The board shall be attached to the department of insurance for administrative services and shall be included under it in the cabinet for public protection and regulation.

(2) Of the members appointed by the governor, one (1) shall be an insurance executive whose company employer will not be directly effected by the board's decisions; one (1) shall be an insurance agent; one (1) shall be from the academic community knowledgeable in the field of insurance; one (1) shall be a representative of commercial consumers of insurance; and three (3) shall be representatives of non-commercial consumers of insurance.

(3) Of the members first appointed to the board one (1) shall serve until July 1, 1978; two (2) until July 1, 1979; two (2) until July 1, 1980; and two (2) until July 1, 1981. Thereafter, each term shall run for four (4)

years from the date of expiration of the term for which his predecessor was appointed, except that a person appointed to fill a vacancy prior to the expiration of such term shall be appointed for the remainder of the term. Each member of the board shall be qualified pursuant to KRS 12.070 and shall hold office until his successor is appointed and qualifies. Members shall receive one hundred dollars ($100) per diem plus necessary expenses incurred in discharging their duties. The governor may at any time remove any member for cause.

(4) It shall be the duty of the board to administer the provisions of KRS Chapter 304, Subtitles 13 and 32, to the extent such provisions are applicable to the promulgation, filing, approval or use of rates. To facilitate the performance of this duty, such of the authority, powers, duties and functions heretofore vested in and exercised by the commissioner under KRS Chapter 304, Subtitles 13 and 32, shall be transferred to and hereafter be vested in and performed by the board to the extent such subtitles are applicable to rates.

(5) In addition to the authority, duties and functions transferred by subsection (4) of this section, the board shall also serve in an advisory capacity to the governor and the commissioner on the rating standards applicable to various lines of insurance and shall assist in detecting and resolving insurance consumer related problems to the end that the insurance laws of the commonwealth are as responsive to the public need, and their administration is as efficient, expeditious and judicious, as possible. In the performance of these functions the board shall have full investigative authority necessary to determine current factual circumstances and applicable law bearing thereon, within or without the Commonwealth, relative to these duties which shall include but not be limited to the:

(a) Conduct of public hearings into the established insurance rate making process in the Commonwealth and the making of an in-depth study of the provisions of KRS Chapter 304, Subtitles 13, 32 and 38 with particular emphasis on determining the effectiveness of said provisions in regulating the kinds of insurance rates specified therein to the best interest of the public welfare and to report to the governor its findings including any recommendations for remedial action, either administrative or legislative, which it believes to be in the public interest;

(b) Conduct of public hearings into, and the making of an in-depth study of, the current marketing practices generally prevailing among insurers authorized to do business in this Commonwealth particularly as those practices bear upon the cost and availability of property and casualty insurance coverages and to report to the governor its findings including any recommendations for remedial action, either administrative or legislative, which it believes to be in the public interest especially insofar as such remedial action bears upon the residual markets existing in such lines of insurance;

(c) In-depth study of and recommendations for the establishment within the department of insurance of a system to continuously monitor the prevailing rate structures and for the public dissemination of such information on a regular basis in order that the insuring public may have available understandable and factual information on which to base an intelligent choice in the purchase of such coverages;

(d) In-depth study of and recommendations on the establishment of minimum standards of coverage to be required of and contained in policies of insurance issued upon private passenger automobiles and private residential property located within this Commonwealth together with recommended standards for the readability of such policies to the end that the average insurance consumer in this Commonwealth may better understand all insuring agreements, provisions, terms and conditions and exclusions actually contained in any such policy purchased by him.

(6) An action or decision concurred in by any four (4) members of the board shall constitute an action or decision of the board unless there shall exist at the time two (2) or more unfilled vacancies in which case an action or decision by a majority of the remaining members shall constitute an action or decision by the board.

(7) All books, papers, records or documents heretofore possessed, controlled, filed, held or used by the commissioner in the exercise of function transferred by subsection (4) of this section, are hereby transferred to the possession, custody, and control of the board.

(8) Upon the transfer of functions provided for under subsection (4) of this section, any pending or unfinished business of the commissioner relating thereto shall be taken over and be completed by the board with same power and authority as the commissioner from whom the functions are transferred. In the performance of its duty, the board shall be the successor in every way to the commissioner and every act done by the board in the exercise of such functions shall be deemed to have the same force and effect under any provisions of the Constitution and Laws in effect on the effective date of this transfer as if done by the commissioner from whom such functions are transferred.

(9) Every action taken by the commissioner and every rate, rating plan, manual of rates, rating rules, classification or schedule of rates, deviation and/or statistical plan approved by the commissioner prior to the effective date of this transfer shall continue to remain in full force and effect until terminated by lawful action of the board or by the person for whom such approval was granted.

(10) All rules and regulations heretofore adopted, and all orders, notices, or bulletins heretofore issued, by the commissioner and relating to the powers, duties and functions transferred by subsection (4) of this section, shall continue in full force and effect for the board until changed, modified or repealed by the board which shall have the same authority to adopt rules and regulations or to issue orders, notices or bulletins in

connection with the functions transferred as was vested in the commissioner prior to the effective date of this transfer.

(11) The board shall continue to collect and receive any dues, fees, charges or other forms of income as the law may now or hereafter provide for in conjunction with the powers and duties transferred by subsection (4) of this section, and shall remit all such funds to the state treasurer to be received and credited according to law.

(12) The board shall be a budgetary unit of the department of insurance which shall pay all its necessary operating expenses and shall furnish all office space, personnel, equipment, supplies and technical or administrative services required by it in the performance of the functions transferred, established or created herein.

Section 134. KRS 304.13-040 is amended to read as follows:

(1) Every insurer shall file with the *board* [commissioner], except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated.

(2) When a filing is not accompanied by the information upon which the insurer supports such filing, and the *board* [commissioner] does not have sufficient information to determine whether such filing meets the requirements of this subtitle *it* [he] shall require the insurer to furnish the information upon which it supports the filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include:

(a) The experience or judgment of the insurer or rating organization making the filing,

(b) Its interpretation of any statistical data it relies upon,

(c) The experience of other insurers or rating organizations, or

(d) Any other relevant factors.

(3) A filing and any supporting information shall be open to public inspection after the filing becomes effective, except as provided in subsection (4) of KRS 304.13-050. Specific inland marine rates on risks specifically rated, made by a rating organization, shall be filed with the *board* [commissioner], and shall become effective when filed and shall be deemed approved and in compliance with the requirements of this subtitle until such time as the *board* [commissioner] rejects the filing.

Section 135. KRS 304.13-050 is amended to read as follows:

(1) The *board* [commissioner] shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the applicable requirements of this subtitle.

(2) Subject to the exception specified in subsection (3) of KRS 304.13-040 with reference to specific inland marine rates made by a rating organization, and subsections (3) and (4) of this section, each filing shall be on file for a waiting period of thirty (30) days before it becomes effective, which period may be extended by the *board* [commissioner] for an additional period not to exceed thirty (30) days if *it* [he] gives written notice within such waiting period to the insurer or rating organization which made the filing that *it* [he] needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the *board* [commissioner] may authorize a filing which *it* [he] has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this subtitle unless disapproved by the *board* [commissioner] within the waiting period or any extension thereof.

(3) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this subtitle until such time as the *board* [commissioner] rejects the filing.

(4) The *board* [commissioner] may, when *it* [he] deems it to be in the public interest, hold a public hearing on any filing before said filing becomes effective to determine whether or not the filing meets the requirements of this subtitle. When the *board* [commissioner] has determined that a hearing shall be held relative to any filing, the filing and any supporting information filed therewith shall be open to public inspection immediately upon the giving of notice as required by this subsection. Before such hearing the rating organization or insurer making such filing shall be given ten (10) days' written notice of the time and place of such hearing, and the public shall be given notice by publication pursuant to KRS chapter 424. The *board* [commissioner] shall promulgate reasonable regulations to prevent the avoidance of normal expirations and renewal dates of policies, or contracts of insurance, that may be affected by such filings. In the event that a hearing is held under the provisions of this subsection the waiting periods specified in subsection (2) of this section shall not begin to run until thirty (30) days after the close of such hearing.

(5) In the review of any filing made pursuant to KRS 304.13-040 either prior to its becoming effective, or upon a subsequent review as provided for in KRS 304.13-080, the burden of establishing that the filing under consideration meets the requirements of this subtitle shall be on the insurer or rating organization which makes such filing.

Section 136. KRS 304.13-060 is amended to read as follows:
Under rules and regulations as *it* [he] adopts the *board* [commissioner] may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The *board* [commissioner] may make such examination as *it* [he] deems advisable to ascertain whether any rates affected by such order meet the standards that rates shall not be excessive, inadequate or unfairly discriminatory.

Section 137. KRS 304.13-070 is amended to read as follows:
(1) If within the waiting period or any extension thereof as provided in KRS 304.13-050, the *board* [commissioner] finds that a filing does not meet the requirements of this subtitle, *it* [he] shall give written notice of disapproval of such filing to the insurer or rating organization which made such filing specifying therein in what respects *it* [he] finds such filing fails to meet the requirements of this subtitle and stating that such filing shall not become effective.

(2) If within thirty (30) days after a specific inland marine rate on a risk specially rated by a rating organization or a special surety or guaranty bond required by law has become effective, the *board* [commissioner] finds that such filing does not meet the requirements of this subtitle, *it* [he] shall give written notice of disapproval of the filing to the rating organization or insurer which made the filing specifying therein in what respects *it* [he] finds that the filing fails to meet the requirements of this subtitle and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. Such disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in such notice.

Section 138. KRS 304.13-080 is amended to read as follows:
If at any time subsequent to the applicable review period provided for in subsections (1) and (2) of KRS 304.13-070 the *board* [commissioner] finds that a filing does not meet the requirements of this subtitle, *it* [he] shall, after a hearing held upon not less than ten (10) days' written notice, specifying the matters to be considered at the hearing, to every insurer and rating organization which made the filing, issue an order specifying in what respects *it* [he] finds that the filing fails to meet the requirements of this subtitle, and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. Copies of the order shall be sent to every such insurer and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

Section 139. KRS 304.13-100 is amended to read as follows:
Upon the written application of the insured, stating his reasons therefor, filed with and approved by the *board* [commissioner], a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

Section 140. KRS 304.13-110 is amended to read as follows:
Any insurer may satisfy its obligation to make filings required by KRS 304.13-030 by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the *board* [commissioner] to accept such filings on its behalf. Nothing contained in this subtitle shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

Section 141. KRS 304.13-200 is amended to read as follows:
(1) Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the *board* [commissioner] for permission to file a deviation from the class rates, schedules, rating plans or rules respecting any kind of insurance, or class of risk within a kind of insurance, or combination thereof. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization.

(2) The *board* [commissioner] shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten (10) days' written notice thereof. If the *board* [commissioner] is advised by the rating organization that it does not desire a hearing *it* [he] may, upon the consent of the applicant, waive such hearing.

(3) In considering the application for permission to file such deviation the *board* [commissioner] shall give consideration to the available statistics and the principles for rate making as provided in KRS 304.13-030. The *board* [commissioner] shall issue an order permitting the deviation for such insurer to be filed if *it* [he]

finds it to be justified and it shall thereupon become effective. *It* [He] shall issue an order denying such application if *it* [he] finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory.

(4) Each deviation permitted to be filed shall be effective for a period of not less than one (1) year from the date of such permission unless terminated sooner with the approval of the *board* [commissioner]. All term policies issued pursuant to such deviations may remain in force until their expiring dates.

Section 142. KRS 304.13-210 is amended to read as follows:

(1) Any member of or subscriber to a rating organization may appeal to the *board* [commissioner] from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization.

(2) The *board* [commissioner] shall, after a hearing held upon not less than ten (10) days' written notice to the appellant and to the rating organization, issue an order approving the action or decision of the rating organization or directing it to give further consideration to such proposal; or if the appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, *it* [he] may, in the event *it* [he] finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings within a reasonable time after the issuance of such order.

Section 143. KRS 304.13-220 is amended to read as follows:

(1) Any person or organization in interest, aggrieved with respect to any filing which is in effect may make written application to the *board* [commissioner] for a hearing thereon, except that the insurer or rating organization that made the filing shall not be authorized to proceed under this section. Such application shall specify the grounds to be relied upon by the applicant.

(2) If the *board* [commissioner] finds that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, *it* [he] shall, within thirty (30) days after receipt of such application, hold a hearing upon not less than ten (10) days' written notice to the applicant and to every insurer and rating organization which made such filing.

(3) If, after such hearing, the *board* [commissioner] finds that the filing does not meet the requirements of this subtitle, *it* [he] shall issue an order specifying in what respects *it* [he] finds that such filing fails to meet the requirements of this subtitle, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of the order shall be sent to the applicant and to every such insurer and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

Section 144. KRS 304.13-230 is amended to read as follows:

(1) Every rating organization and every insurer which makes its own rates shall, with a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

(2) Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty (30) days after it is made, the applicant may proceed in the same manner as if his application has been rejected. Any part affected by the action of such rating organization or such insurer on such request may, within thirty (30) days after written notice of such action, appeal to the *board* [commissioner], *which* [who], after a hearing held upon not less than ten (10) days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

Section 145. KRS 304.13-270 is amended to read as follows:

(1) The *board* [commissioner] may promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with *it* [him], which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid *it* [him] in determining whether rating systems comply with the applicable standards set forth in KRS 304.13-030. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience.

(2) In promulgating such rules and plans, the *board* [commissioner] shall give due consideration to the rating systems on file with *it* [him], and, in order that such rules and plans may be as uniform as is

practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it.

(3) The *board* [commissioner] may designate one or more rating organizations or other agencies to assist *it* [him] in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the *board* [commissioner], to insurers and rating organizations.

(4) Each insurer shall report its loss or expense experience to the lawful rating organization or agency of which it is a member or subscriber, but shall not be required to report its loss or expense experience to any rating organization or agency of which it is not a member or subscriber. Any insurer not reporting such experience to a rating organization or other agency may be required to report such experience to the *board* [commissioner]. Any report of such experience of any insurer filed with the *board* [commissioner] shall be deemed confidential and shall not be revealed by the *board* [commissioner] to any other insurer or other person, but the *board* [commissioner] may make compilations including such experience.

Section 146. KRS 304.13-280 is amended to read as follows:

(1) Reasonable rules and plans may be promulgated by the *board* [commissioner] for the interchange of data necessary for the application of rating plans.

(2) In order to further uniform administration of rate regulatory laws, the *board* [commissioner] and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult with them with respect to rate making and the application of rating systems.

(3) Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this subtitle is authorized, provided the filings resulting from such cooperation are subject to all provisions of this subtitle which are applicable to filings generally. The *board* [commissioner] may review such cooperative activities and practices and if, after a hearing, *it* [he] finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this subtitle, *it* [he] may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this subtitle, and requiring the discontinuance of such activity or practice.

Section 147. KRS 304.13-300 is amended to read as follows:

(1) No person or organization shall wilfully withhold information from, or knowingly give false or misleading information to:

(a) The *board* [commissioner];

(b) Any statistical agency designated by the *board* [commissioner];

(c) Any rating organization, or any insurer which will affect the rates or premiums chargeable under this subtitle.

(2) A violation of this section shall subject the one guilty of such violation to the penalties provided in KRS 304.13-320.

Section 148. KRS 304.32-160 is amended to read as follows:

(1) On or after June 18, 1970 no corporation subject to the provisions of this subtitle shall deliver or issue for delivery in this state any subscription certificate or membership certificate describing health benefits available, or any indorsement, rider, or application which becomes a part thereof, until a copy of the form and the schedule of rates, dues, fees, or other periodic charges, to be paid by subscribers or members, has been filed with and approved by the *board* [commissioner].

(2) At the expiration of fifteen (15) days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the *board* [commissioner]. The *board* [commissioner] may withdraw approval at any time for cause.

(3) The *board's* [commissioner's] order disapproving any form or withdrawing previous approval shall state the grounds for disapproval or withdrawal.

(4) The *board* [commissioner] may, by order, exempt from the requirements of this section for so long as *it* [he] deems proper, any document or form specified in the order, to which in *its* [his] opinion this section may not practicably be applied, or the filing and approval of which are, in *its* [his] opinion, not desirable or necessary for the protection of the public.

Section 149. KRS 311.530 is amended to read as follows:

There is hereby created in state government an independent board to be known as the state board of medical licensure which shall exercise all medical and osteopathic licensure functions heretofore exercised by the state board of health. The offices of the board shall be maintained at such place as is designated by the board. The board shall consist of seven voting members appointed by the governor, and the deans of the university of Kentucky and university of Louisville medical schools, *and the secretary of the department for human resources or his designee* as ex-officio, non-voting members. One member shall be a licensed osteopathic physician and shall be appointed from a list of three names submitted by the Kentucky osteopathic association. Five (5) members shall be licensed medical physicians and shall be appointed from a list of three names submitted for each position by the Kentucky medical association. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.

Section 150. KRS 318.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Department" means department *of housing, buildings and construction* [for natural resources and environmental protection];

(2) "Journeyman plumber" means a person who engages or offers to engage, either as an occupation or otherwise, in the construction, installation, alteration, maintenance, repair, remodeling or removal, and replacement of plumbing under the supervision, direction and responsibility of a master plumber;

(3) "Master plumber" means a person who assumes responsible charge, supervision or direction of journeyman plumbers, plumbers' apprentices and other persons in the construction, installation or alteration of plumbing or who engages in, offers to engage in or advertises or otherwise represents that he is permitted or qualified to engage in the design, planning, superintending, contracting for or responsible charge of plumbing;

(4) "Plumbing" means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building other than piping serving fire-fighting equipment;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal but not including sewers located between manholes and sewers extending five (5) feet from a main or manhole on private property; and

(d) Storm sewers and rain water piping located within a building to a point two (2) feet outside of the building and private sewage disposal systems other than those which have a treated affluent.

(5) "Public buildings" means any building intended for public use or built with public funds and includes but is not limited to the following: schools, industrial establishments, housing projects, restaurants, food-handling establishments, private clubs, theaters including drive-ins, trailer coach parks, camping areas, hospitals, nursing homes, hotels, motels, tourist courts, rooming houses, boarding houses, and other establishments furnishing public sleeping accommodations;

(6) "Maintenance man" means a person employed to maintain and keep plumbing in good repair;

(7) "Apprentice" means a person in the process of learning the plumbing trade who assists and is under the personal supervision of a licensed master or licensed journeyman plumber;

(8) "Farmstead" means a farm dwelling together with other farm buildings and structures incident to the operation and maintenance of the farm located outside the corporate limits of a municipality and not connected to a public water supply.

(9) "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, co-partnership, association, firm, trust, estate, or other entity whatsoever;

(10) *"Commissioner"* ["Secretary"] means the *commissioner* [secretary] of the department *of housing, buildings and construction* [for natural resources and environmental protection];

(11) "Code" means the Kentucky state plumbing code.

Section 151. KRS 318.071 is amended to read as follows:

(1) There is hereby created a state plumbing code committee which shall be established within the department *of housing, buildings and construction* [for natural resources and environmental protection] for administrative purposes. The state plumbing code committee shall consist of seven (7) members, one (1) of whom shall be a builder member of the home builders association of Kentucky, one (1) of whom shall be a member of the association of general contractors, one (1) of whom shall be a member of the Kentucky master plumbers association, one (1) of whom shall be a member of the Kentucky society of professional engineers (who shall have a background in sanitary engineering), one (1) of whom shall be a member of the american institute of architects, one (1) of whom shall be a member of the united association of journeyman plumbers, and one (1) of whom shall be a member of the mechanical contractors association. Each member of the state plumbing code committee shall receive no compensation but shall be reimbursed for all necessary expenses. The members of the committee shall be appointed by the governor from lists of three (3) names submitted by the above mentioned organizations.

(2) Each member shall be appointed for and hold office a term of two (2) years or until his successor is appointed and qualified.

(3) At all times in the filling of vacancies of membership on the committee the balance of representation set out in subsection (1) shall be maintained.

Section 152. KRS 318.074 is amended to read as follows:

The committee shall elect from its members one (1) to serve as chairman, one (1) as vice-chairman, and the *commissioner* [secretary] of the department *of housing, buildings and construction* [for natural resources and environmental protection] or his designee shall serve as ex-officio member of the committee (without a vote) and secretary. The committee shall meet at least quarterly and upon special call by the chairman or the secretary.

Section 153. KRS 318.077 is amended to read as follows:

The committee shall hold hearings, upon adequate notice to affected parties specifying the matters to be considered before the submission to the *commissioner* [secretary] of its suggested amendments to the code; Provided, however, that nothing in this section shall be construed to prohibit the amendment of the code or other regulation by the department after the prior review of committee. Any person aggrieved by any rule, regulation or amendment approved by the department, within 30 days after such action has become final, may appeal therefrom to the circuit court. For the purposes of this section, "persons aggrieved" shall include any person directly or indirectly injured or threatened with injury on account of any such regulation, rule or amendment, whether or not such person was a party to the proceedings out of which the order, rule, regulation or amendment arose.

Section 154. KRS 318.080 is amended to read as follows:

(1) In order to conduct examinations for persons to qualify as licensed master plumbers or journeyman plumbers, the department shall appoint as examiners the following persons to a state plumbers examining committee: An employe of the department and three (3) other persons who shall be licensed either as master or journeyman plumbers. The *commissioner* [secretary for the department for natural resources and environmental protection] shall be an ex-officio examiner and permanent *commissioner* [secretary] of the committee. With the exception of the issuance of any order involving the revocation, suspension or cancellation of a master or journeyman plumber's license, the secretary may delegate to a subordinate employe in the department the power to be present and participate, including the right to vote, as his representative at any meeting, hearing or other proceeding of the state plumbers examining committee. Plumber examiners shall serve at the pleasure of the department.

(2) The department shall appoint assistant plumber examiners who shall be qualified licensed master or journeyman plumbers who shall serve at the pleasure of the department. Assistant plumber examiners shall perform such duties as are delegated to them by the state plumbers examining committee.

(3) Plumber examiners and assistant plumber examiners shall receive no compensation for their services but shall be reimbursed for their necessary traveling expenses.

Section 155. KRS 318.310 is amended to read as follows:

The *commissioner* [secretary] of the department shall, upon written request from a local board of health, authorize the local board of health to serve as its agent to issue plumbing installation permits for on-site sewage disposal systems within that area of local board jurisdiction. The permits issued by the local board of health shall comply with the requirements set down in KRS 318.134 and 318.160 and with the regulations established by the department relating to the issuance of permits for on-site sewage disposal systems. A permit issued under these provisions shall be deemed a permit issued by the department. The local board of health shall include in the written request a procedure for administering this section.

Section 156. KRS 338.041 is amended to read as follows:

(1) There is hereby created in the department of labor a program for occupational safety and health. This program shall consist of a division of occupational safety and health compliance and a division of education and training for occupational safety and health. This program shall administer all matters pertaining to occupational safety and occupational health and shall be under the supervision of an occupational safety and health coordinator.

(2) The department of labor may require the assistance of other state agencies and may enter into agreements with other state agencies and political subdivisions of the Commonwealth for the administration of this chapter.

(3) [The department of labor shall enter into an agreement with the public service commission, which shall serve as the state agency in the administration of this chapter for all matters relating to occupational safety and occupational health with respect to utilities as defined in KRS 278.010, and their employes.

(4)] The department of labor may enter into an agreement with the department for human resources and other appropriate departments or agencies to conduct research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems in the administration of this chapter.

Section 157. KRS 325.261 is amended to read as follows:

The certificate of "certified public accountant" shall be granted by the board to any person:

(1) Who is a resident of this state or who has a place of business or is employed therein, at the time of admission to the examination, and has met the requirements established by the board, and

(2) Who has attained the age of eighteen (18) years, and who is of good moral character, and

(3) Who possesses the educational and experience requirements below:

(a) A baccalaureate degree conferred by a college or university recognized by the board with a major or concentration program in accounting or its equivalent, and two (2) years of public accounting experience of a quality satisfactory to the board, including participation in the examination of financial statements for third-party reliance, in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant of any state, or such other experience or employment as the board in its discretion may regard as substantially equivalent thereto, or

(b) A master's degree in accounting or business administration conferred by a college or university recognized by the board, with the equivalent of a major or concentration program in accounting at either the graduate or undergraduate level, and one (1) year of public accounting experience of a quality satisfactory to the board, including participation in the examination of financial statements for third-party reliance, in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant of any state, or such other experience or employment as the board in its discretion may regard as substantially equivalent thereto, or

(c) Until July 1, 1979 a baccalaureate degree conferred by a college or university recognized by the board, and three (3) years of public accounting experience of a quality satisfactory to the board, including participation in the examination of financial statements for third-party reliance, in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant of any state, or

(d) Until six (6) years after July 1, 1968, a graduate of a high school and six (6) years of public accounting experience of a quality satisfactory to the board, including the participation in the examination of financial statements for third-party reliance, in the employ of a public accountant as defined in KRS 325.220, or a certified public accountant of any state, or such other experience or employment as the board in its discretion may regard as substantially equivalent thereto, or

(e) Who holds a permit to practice as a public accountant as defined in KRS 325.220, and

(f) The experience requirement of paragraph (a) or (b) of this subsection may be satisfied by four (4) years' experience as a field audit agent in the internal revenue service, of which two (2) years is at the journeyman level (presently GS-11 or its future equivalent) in auditing financial statements and supporting materials of three (3) or more distinct lines of commercial or industrial businesses to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable laws and government regulations. The board shall be the sole and final judge of the qualification of experience under this section.

(g) The experience requirement of paragraph (c) of this subsection may be satisfied by five (5) years' experience as a field audit agent of the internal revenue service, of which three (3) years is at the journeyman level (presently GS-11 or its future equivalent) in auditing financial statements and supporting material of three (3) or more distinct lines of commercial or industrial businesses to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable laws and government regulations. The board shall be the sole and final judge of the qualification of experience under this section.

(h) The experience requirements of paragraph (a) of this subsection shall be satisfied by two years' experience in the employment of any agency of state government as an auditor or accountant; provided that such experience is gained under the supervision of a certified public accountant and includes application of the attest function using standards adopted by the American Institute of Certified Public Accountants.

(i) The experience requirements of paragraph (b) of this subsection shall be satisfied by one year's experience in the employment of any agency of state government as an auditor or accountant; provided that such experience is gained under the supervision of a certified public accountant and includes application of the attest function using standards adopted by the American Institute of Certified Public Accountants.

(4) Who shall have successfully passed a written examination in accounting and auditing, and in such other related subjects as the board may deem advisable.

(5) Application for a certificate of certified public accountant shall be made on a form prescribed by the board. The board may set a fee for the issuance of a certificate not to exceed $25.00.

Section 158. KRS 344.510 is amended to read as follows:

(1) There is hereby established the Kentucky commission on women as a separate administrative body of state government within the meaning of KRS chapter 12.

(2) The membership of the commission shall consist of not more than twenty-four (24) members and a chairman who shall be [the administrative head and chief executive officer of the commission. The commission shall be] appointed by the governor [and shall serve at the governor's will during his incumbency and until each member's and the chairman's successor is appointed]. *The members of the commission shall serve terms of four (4) years; except that of the members initially appointed after the effective date of this Act, six (6) members shall serve a term of one (1) year, six (6) a term of two (2) years, six (6) a term of three (3) years and six (6) a term of four (4) years. The governor shall appoint a chairman who shall serve at the governor's will. There shall be an executive director, who shall be appointed by the governor, and shall be administrative head and chief executive officer of the commission.* The governor, in appointing the commission, shall attempt to insure, insofar as it may be practicable, and with due regard to the several geographic regions and socio-economic groupings of the state, that the membership is broadly representative of the women of the state. The commission shall meet at the call of the chairman, but at least twice during each calendar year; a majority of the members shall constitute a quorum for the transaction of the commission's business.

Section 159. KRS 439.302 is amended to read as follows:

The commission on correction and community service shall consist of the commissioner of the bureau of corrections, the deputy commissioner for community services, the deputy commissioner for institutions, the chairman of the parole board, two (2) circuit judges designated by the governor, [and] five (5) public members appointed by the governor, these to include a psychiatrist, a professional educator, a member who is qualified to express the views of business and industry, a member who is qualified to express the views of organized labor, and a practicing attorney, *and four (4) at-large appointees.* The judicial and public members shall serve for the remainder of the term of office of the governor during whose incumbency they were appointed, unless sooner removed for cause; all other members shall serve during their terms of office. The commissioner of corrections shall act as chairman of the commission. All members of the commission shall serve without compensation, but each member shall be reimbursed for his necessary travel and other expenses actually incurred in the discharge of his duties on the commission.

Section 160. KRS 439.320 is amended to read as follows:

(1) The governor shall appoint a parole board consisting of five members, one of whom he shall name as chairman of the board. He shall make each appointment from a list of three names given to him by the commission on correction and community service. Each member appointed to the board must have had at least five years of actual experience in the field of penology, correction work, law enforcement, sociology, law, education, social work, medicine or a combination thereof, or have served at least five years previously on the parole board. No more than three board members may be of the same political party. The board shall be attached to the bureau of corrections for administrative purposes only; the bureau of corrections shall provide such clerical, stenographic, administrative and expert staff assistance as the board deems necessary to carry out its duties.

(2) The office of executive director of the parole board is hereby created. The office shall be headed by an executive director who shall be appointed by and directly responsible to the commissioner in matters relating to administration, and directly responsible to the chairman of the board in matters relating to policy. The office shall be responsible for providing support services in the areas of financial, personnel, and facilities management to the operating offices of the board, conducting studies for decision-making needs of the board, and serving as liaison between the bureau and the board. The executive director shall be responsible for drafting all regulations and directives necessary to implement the policies of the board.

(3) The administrative duties of the chairman of the board are transferred to the executive director.

(4) [(2)] The members of the board shall give full time to the duties of their office and shall receive necessary traveling expenses and a salary to be determined purusant to KRS 64.640(2), except the chairman of the board shall receive additional compensation of $1,000 per year for his services. Their term of office shall be four years and until their successors are appointed and have qualified, except that the first appointments shall be for terms of two years for two members, and four years for three members. Their successors shall be appointed thereafter as provided in this section for terms of four years, and a vacancy occurring before expiration of the term of office shall be similarly filled for the unexpired term. The chairman of the board shall serve as such until the expiration of his term at which time the governor shall name his successor and designate the chairman of the board. If a vacancy occurs in the chairmanship of the board before the expiration of the term the governor may name a successor to serve for the remainder of the unexpired term.

(5) [(3)] Three members of the board shall constitute a quorum. The organization of the board shall be determined by the chairman.

(6) [(4)] The governor may not remove any member of the board except for disability, inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give the member a written copy of the charges against him and shall fix the time when he can be heard in his defense, which shall not be less than ten days thereafter. Upon removal the governor shall file in the office of the secretary of state a complete statement of all charges made against the member and the findings thereupon with a record of the proceedings.

(7) [(5)] Present members of the board shall be deemed to have vacated their appointment and successors shall be appointed as provided in subsection *(4)* [(2)]. The governor may reappoint present members if they meet the qualifications set forth in subsection (1).

Section 161. KRS 156.445 is amended to read as follows:

(1) No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and listed on the state multiple list of textbooks by the state textbook commission. Any changes of textbooks made by the state textbook commission shall not become effective until grades and classes of the respective county and independent school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

(2) In approving text materials for private and parochial schools for the purpose of KRS 156.160(8) and KRS 159.030 such text materials may be approved if they are comprehensive and appropriate to the grade level in question.

Section 162. KRS 158.080 is amended to read as follows:

Private and parochial schools shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state, *consistent with KRS 156.445(2).* Except in those school districts operating a year-round school program as defined in KRS 157.320 (15), the term of the school shall not be for a shorter period in each year than the term of the public school provided in the district in which the child attending the school resides. In those school districts which are operating a year-round school program, the minimum term of private and parochial schools shall be one hundred eighty-five days.

Section 163. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 164. KRS 66.290, Administrative staff; 147A.030, Duties of executive department for finance and administration; 147A.040, Executive department for finance and administration — Divisions — Duties; 156.015, Department schools to meet standards for facilities and personnel fixed by law — Licenses not required; 156.020, Appointment of assistant superintendent of public instruction — Divisions of department; 156.050, Rules — Secretary; 156.100, Board may accept federal aid, or gift, donation or devise; 156.130, Superintendent is executive officer of state board of education — General duties; 163.040, Acceptance and expenditure of appropriations and other funds; 163.050, Personnel — Traveling expenses — Rules and regulations; 194.290, Office of geriatrics-gerontology — Administrator — Cooperation with educational institutions; 196.250, Charitable organizations not to solicit funds out of county without license; 196.260, Bureau may investigate charitable organizations; 196.460, Bureau of corrections — Commissioner — Appointment — Qualifications — Personnel; 196.470, Functions of bureau; 196.490, Funds for administering KRS 196.460 to 196.490; 249.250, Definitions of KRS 249.250 to 249.340 (Termite and Pest Control Industry); 249.255, Examining board — Members; 249.260, License — Examination — Nonresident's process agent — Fees; 249.262, Examination fees; 249.265, Advertisement by unlicensed operators prohibited; 249.270, Board may promulgate rules and regulations; 249.280, Notice and hearing on rules and regulations; 249.290, Right of entry upon property for inspection; 249.300, Revocation of license; 249.305, Suspension of license; 249.310, Licenses not transferable — Reregistration in case of death or change of business status of owner; 249.317, Hearing on denial, suspension or revocation of license; 249.319, Conduct of hearings — Testimony — Disobedience; 249.321, Notice of finding — Statement — Appeal; 249.323, Procedure on appeal — Judgment — Appeal to Court of Appeals; 249.330, Exemptions from license requirements; 249.340, Disposition of license fees; 249.345, Limitation on prosecution under KRS 249.250 to 249.340; and 350.220, Regulation of use of explosives, are repealed.

Section 165. The General Assembly confirms the reorganization of agencies and statutory administrative departments effected by Executive Orders to the extent that such reorganizations are not otherwise confirmed by this Act, as follows:

(1) Department of Education— 77-453 and 77-619.

(2) Council on Higher Education— 77-331 and 77-410.
(3) University of Louisville Board of Trustees— 77-1164.
(4) Department for Local Government— 76-639 and 77-457.
(5) Department of Justice— 76-432, 76-837, 76-992, 77-714, 77-843, 77-862 and 77-1158.
(6) Department for Natural Resources and Environmental Protection— 76-544, 76-565, 76.840, 76.841, 76-1071, 77-459, 77-933 and 77-1156.
(7) Department of Housing, Buildings and Construction— 77-1156.
(8) Department of Labor— 77-573.
(9) Department for Human Resources— 77-270, 77-271, 77-370, 77-410 and 77-994.
(10) Department of Insurance— 76-533, 76-1003, 77-564, 77-625, 77-834 and 77-1156.
(11) Department of Agriculture— 76-664, 76-480 and 77-980.
(12) Cabinet for Development— 77-74 and 77-162.
(13) Department of Commerce— 76-473 and 77-247.
(14) Department of Energy— 76-4 and 76-11.
(15) Energy Research Board— 76-867 and 77-665.
(16) Crime Victims Compensation Board and Board of Claims— 76-758.
(17) Kentucky Film Commission— 76-638 and 77-836.
(18) Kentucky Fair and Exposition Center— 76-1024.
(19) Kentucky Harness Racing Commission— 76-139 and 76-653.
(20) Bureau for the Blind— 76-1153 and 77-535.
(21) Executive Department for Finance and Administration— 76-105, 76-337, 76-338, 76-633, 76-639, 77-341, 77-575, 77-955 and 77-1147.
(22) Department of Parks— 76-842.
(23) Public Protection and Regulation Cabinet— 77-935.
(24) Office for Program Administration— 76-624.
(25) Secretary of the Governor's Executive Cabinet— 76-338.
(26) Department of Transportation— 76-105.
(27) University of Kentucky— 77-980.
(28) Murray State University— 77-980.

The Committee Amendment to the Committee Substitute to **SB 289** is as follows:

Amend printed copy of Committee Substitute for **SB 289,** page 222, by inserting the following between lines 2 and 3:

"Section 163. KRS 313.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Board" means the Kentucky board of dentistry.

(2) Any person shall be regarded as "practicing dentistry" who, for a fee, salary or other reward paid, or to be paid either to himself, or to another person, performs or advertises to perform, dental operations of any kind, or who diagnoses or treats diseases or lesions of human teeth or jaws, or attempts to correct malpositions thereof, or who diagnoses or treats disorders, or deficiencies of the oral cavity and adjacent associated structures, or who takes impressions of the human teeth or jaws to be used directly in the fabrication of any intraoral appliance, or shall construct, supply, reproduce or repair any prosthetic denture, bridge, artificial restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except upon the written *laboratory procedure work* order [or prescription] of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist, or who shall advertise, offer, sell or deliver any such substitute or the services rendered in the construction, reproduction, supply or repair thereof to any person other than a licensed dentist, or who places or adjusts such substitute in the oral cavity of another, or who uses the words "dentist," "dental surgeon," the letters "D.D.S.," "D.M.D.," or other letters or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry.

(3) "Dental hygiene" shall mean the treatment of human teeth by scaling, polishing, planing and removing therefrom calcareous deposits, and by removing accumulated accretion from beneath the free margin of the gums; and may also include other dental activities not specifically prohibited by this chapter or by regulation of the board provided, that nothing in KRS 313.260 to 313.350 shall be so construed as to affect the practice of medicine or dentistry nor to prevent students of a dental college or university from practicing dental hygiene under supervision of their instructors; and, provided further, that nothing in KRS 313.260 to 313.350 shall be construed to authorize any dental hygienist to perform any operation in a patient's mouth without supervision of a dentist.

(4) "Dental laboratory" includes any person, firm or corporation other than a licensed dentist, who directly or through an agent or employe, by any means or method, in any way supplies or manufactures artificial substitutes for the natural teeth, other than those unfinished substitutes normally available through dental supply houses, or who furnishes, supplies, constructs or reproduces or repairs any prosthetic denture, bridge or appliance to be worn in the human mouth or who performs or offers or undertakes to perform or accomplish dental laboratory technology.

(5) "Dental laboratory technician" means any individual who performs or offers or undertakes to perform or accomplish dental laboratory technology and who is classified as such by regulations of the board adopted as provided in this chapter.

(6) "Commercial dental laboratory" shall mean any dental laboratory as defined in subsection (4) of this section other than a laboratory of practicing dentists, accredited schools and nonprofit institutions for use only for their own patients.

(7) "Commission" means the dental laboratory advisory commission.

(8) "Laboratory association" means the Kentucky dental laboratory association.

Section 164. KRS 313.247 is amended to read as follows:

(1) No dentist shall use the services of any person not licensed to practice dentistry in this state to construct, alter, repair or duplicate any denture, plate, bridge, splint, orthodontic or prosthetic appliance, without first furnishing such unlicensed person a written *laboratory procedure work order* [prescription or work authorization] on forms prescribed by the board. Such unlicensed person shall retain the original *laboratory procedure work order* [prescription or work authorization], and the dentist shall retain a duplicate copy, for two (2) years from the date thereof. All such *laboratory procedure work orders* [prescription and work authorizations] required by this subsection shall be open for inspection by the board.

(2) If the person receiving a *laboratory procedure work order* [prescription or work authorization] from a licensed dentist engages another person to perform any of the services relative to such *laboratory procedure work order* [prescription or work authorization], such other person shall furnish a written work order with respect thereto on forms prescribed by the board. Such person shall retain the original work order, and the person issuing such work order shall retain a duplicate copy for two (2) years from the date thereof. All such work orders required by this subsection shall be open for inspection by the board.

(3) Nothing in this section or KRS 313.020 shall prevent a licensed dentist having a technician working exclusively for him from doing laboratory work under his direction within the confines of his office without a *laboratory procedure work order* [prescription]."

The Committee on State Government reported **SB 59,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 59, AN ACT relating to public records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 61.870 is amended to read as follows:

As used in KRS 61.872 to 61.884:

(1) "Public agency" means every state or local officer, state department, division, bureau, board, commission and authority; every legislative board, commission, committee and officer; every county and city governing body, council, school district board, special district board, municipal corporation, court or judicial agency, and any board, department, commission, committee, subcommittee, ad hoc committee, council or agency thereof; and any other body which is created by state or local authority in any branch of government or which derives at least twenty-five percent (25%) of its funds from state or local authority.

(2) "Public records" means all books, papers, maps, photographs, cards, tapes, discs, recordings or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. "Public record" shall not include any records owned by a private person or corporation that are not related to functions, activities, programs or operations funded by state or local authority.

(3) "Official custodian" means the chief administrative officer or any other officer or employe of a public agency who is responsible for the maintenance, care and keeping of public records, regardless of whether such records are in his actual personal custody and control. *This definition does not include a computer or data processing facility which is responsible only for information processing equipment or storage media, unless the record is one created by the facility in the performance of its function.*

(4) "Custodian" means the official custodian or any authorized person having personal custody and control of public records. *This definition does not include a computer or data processing facility which is responsible only for information processing equipment or storage media, unless the record is one created by the facility in the performance of its function.*

the facility in the performance of its function.

(5) "Personal information" or "personal record" means any information that by some specific means of identification, included but not limited to any name, number, description, finger or voice print or picture, and including any combinations of such characters, it is possible to identify with reasonable certainty the subject to whom such information pertains.

(6) "Personal information system" or "personal record system" means a collection of records containing personal information which is indexed, maintained or accessed by a unique personal identifier.

(7) "Individual" means a natural person; man, woman, or child.

(8) "Data subject" means an individual about whom personal information is collected and maintained.

Section 2. KRS 61.876 is amended to read as follows:

(1) Each public agency shall adopt rules and regulations in conformity with the provisions of KRS 61.870 to 61.884 to provide full access to public records, to protect public records from damage and disorganization, to prevent excessive disruption of its essential functions, to provide assistance and information upon request and to insure efficient and timely action in response to application for inspection, and such rules and regulations shall include, but shall not be limited to:

(a) The principal office of the public agency and its regular office hours;

(b) The title and address of the official custodian of the public agency's records;

(c) *A list of personal information systems maintained by the public agency;*

(d) The fees, to the extent authorized by KRS 61.874 or other statute, charged for copies;

(e) [(d)] The procedures to be followed in requesting public records.

(2) Each public agency shall display *in each separate location where offices are maintained by the agency,* a copy of its rules and regulations pertaining to public records in a prominent location accessible to the public.

(3) The executive department for finance and administration may promulgate uniform rules and regulations for all state administrative agencies.

Section 3. KRS 61.878 is amended to read as follows:

(1) The following public records [are excluded from the application of KRS 61.870 to 61.884 and] shall be subject to *public* inspection only upon order of a court of competent jurisdiction:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research, in conjunction with an application for a loan, the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential, or for the grant or review of a license to do business and if openly disclosed would permit an unfair advantage to competitors of the subject enterprise. This exemption shall not, however apply to records the disclosure or publication of which is directed by other statute.

(c) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. Provided, however, that this exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (b) above.

(d) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired; provided, however, the law of eminent domain shall not be affected by this provision.

(e) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination before the exam is given or if it is to be given again.

(f) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action. Provided, however that the exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884.

(g) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency;

(h) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended;

(i) All public records or information the disclosure of which is prohibited by federal law or regulation;

(j) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the general assembly.

(2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(3) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the non-excepted material available for examination.

[(4) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.]

SECTION 4. A NEW SECTION OF KRS 61.870 to 61.884 IS CREATED TO READ AS FOLLOWS:

No public agency shall disclose any public record containing personal information not subject to public inspection to another public agency unless the disclosure of such information is permitted by any one of the following:

(1) To employes of the agency which has custody of the information if such disclosure is relevant and necessary in the ordinary course of the performance of their official duties and is related to the purpose for which the information was collected.

(2) The transfer is necessary for the agency receiving the information to perform its constitutional or statutory duties and such use is consistent with the purpose for which the information was collected.

(3) To a federal agency when required by federal law or regulation.

(4) Pursuant to a subpoena, court order, search warrant, or any other compulsory legal process.

(5) To the State Archives of the Commonwealth of Kentucky or to any other recognized archieval collection if, in the opinion of the State Archivist, the record has sufficient historical or other value to warrant its continued preservation.

(6) Pursuant to a showing that compelling circumstances exist which affect the public health or safety.

SECTION 5. A NEW SECTION OF KRS 61.870 to 61.884 IS CREATED TO READ AS FOLLOWS:

Public records containing personal information not subject to public inspection may be disclosed to an agency or person engaged in research when the official custodian has been provided with adequate written assurance that the information will be used solely for research purposes, but only if:

(1) The information to be disclosed is in a form that will not identify any individual, or

(2) The person receiving the information agrees in writing to maintain the same standards of confidentiality maintained by the agency in custody of the records.

SECTION 6. A NEW SECTION OF KRS 61.870 to 61.884 IS CREATED TO READ AS FOLLOWS:

(1) No public agency shall be permitted to maintain a personal information system which is secret.

(2) Each public agency shall collect and maintain in its records only personal information which is relevant and necessary to accomplish a purpose of the agency required or authorized by the Kentucky Constitution or statute.

(3) All personal information collected and maintained by a public agency shall be accurate, timely and complete.

(4) Each public agency shall collect personal information to the greatest extent practicable directly from the data subject rather than from another source.

(5) Each public agency shall inform each individual it asks to supply personal information of the following:

(a) The purposes for which the information will be used.

(b) Whether submission of such information is voluntary or mandatory.

(c) Any known or foreseeable consequences which may arise as a result of not providing the requested information.

(d) The individual's right to access and challenge his records.

(e) Procedures by which an individual may appeal any decision made in regard to the exercise of these rights.

(6) If a public agency requests an individual's social security number to be used as a personal identifier and the use is not required by law, the agency shall advise the individual that he is not required by law to provide the number.

(7) Each public agency shall provide adequate security for personal information systems to ensure that the confidentiality of the information is maintained.

(8) Each public agency shall provide sufficient training for employes managing personal records so that they are informed about and familiar with the provisions of this Act and policies and procedures adopted by the agency for compliance with this Act.

Section 7. KRS 61.880 is amended to read as follows:

(1) Each public agency, upon any request for records made under KRS 61.870 to 61.884, shall determine within three (3) days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the three (3) day period, of its decision. An agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his authority, and it shall constitute final agency action.

(2) A copy of the written response denying inspection of a public record shall be forwarded immediately by the agency to the attorney general of the Commonwealth of Kentucky. If requested by the person seeking inspection, the attorney general shall review the denial and issue within ten (10) days (excepting Saturdays, Sundays and legal holidays) a written opinion to the agency concerned, stating whether the agency acted consistent with provisions of KRS 61.870 to 61.884. A copy of the opinion shall also be sent by the attorney general to the person who requested the record in question. The burden of proof in sustaining the action shall rest with the agency and the attorney general may request additional documentation from the agency for substantiation. The attorney general may also request a copy of the records involved but they shall not be disclosed.

(3) Each agency shall notify the attorney general of any actions filed against that agency in circuit court regarding the enforcement of KRS 61.870 to 61.884.

(4) In the event a person feels the intent of KRS 61.870 to 61.884 is being subverted by an agency short of denial of inspection, including but not limited to the imposition of excessive fees, [or] the misdirection of the applicant *or the denial of privacy rights*, the person may complain in writing to the attorney general and the complaint shall be subject to the same adjudicatory process as if the record had been denied.

(5) If the attorney general upholds, in whole or in part, the request for inspection, the public agency involved may institute proceedings within thirty (30) days for injunctive or declaratory relief in the circuit court of the district where the public record is maintained. If the attorney general disallows the request or if the public agency continues to withhold the record notwithstanding the opinion of the attorney general, the person seeking disclosure may institute such proceedings.

Section 8. KRS 61.882 is amended to read as follows:

(1) The circuit courts of this state shall have jurisdiction to enforce the purposes of KRS 61.870 to 61.884, by injunction or other appropriate order on application of any *person* [citizen of this state].

(2) In order for the circuit courts of this state to exercise their jurisdiction to enforce the purposes of KRS 61.870 to 61.884, it shall not be necessary to have forwarded any request for the documents to the attorney general pursuant to KRS 61.880, or for the attorney general to have acted in any manner upon a request for his opinion.

(3) In any such action, the court shall determine the matter de novo and the burden of proof shall be on the public agency to sustain its action. The court on its own motion, or on motion of either of the parties, may view the records in controversy in camera before reaching a decision. Any noncompliance with the order of the court may be punished as contempt of court.

(4) Courts shall take into consideration the basic policy of KRS 61.870 to 61.884 that free and open examination of public records is in the public interest and the exceptions provided for by KRS 61.870 to 61.884 or otherwise provided for by law shall be strictly construed, even though such examination may cause inconvenience or embarrassment to public officials or others. Except as otherwise provided by law or rule of court, proceedings arising under this section take precedent on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date.

(5) Any person who prevails against an agency in any action in the courts *involving a* [seeking the right to inspect and copy any public record may, upon a finding that the records were wilfully withheld in] violation of KRS 61.870 to 61.884, *shall* be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. If such person prevails in part, the court may in its discretion award him costs or an appropriate portion thereof. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars ($25) for each day that he was denied the right to inspect or copy *a* [said] public record. The costs or award shall be paid by such person or agency as the court shall determine is responsible for the violation.

Section 9. KRS 61.884 is amended to read as follows:

(1) Upon request to the official custodian of a public agency, an individual shall be informed whether he is the subject of any personal record system maintained by the agency.

(2) Any *individual or other* person *designated by the individual* shall have access to *the portion of* any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification [, subject to the provisions of KRS 61.878]. *This right shall also be extended to the parent or legal guardian of an individual under eighteen (18) years of age except with regard to records created as a result of a service or program provided without parental consent. The right of individual access shall be denied only in the following instances:*

(a) Psychiatric or psychological information when, in the opinion of the psychiatrist or psychologist who generated the record, the disclosure of such information to the individual would be detrimental to his health.

(b) Records exempted from public inspection in accordance with KRS 61.878(c)(d) and (f).

(c) As specifically provided by Act of the General Assembly, federal law or federal regulation.

(3) An individual may contest any alleged violation of his rights under this Act. To initiate a contest, the data subject shall notify in writing the official custodian describing the nature of the disagreement. The official custodian shall within ten (10) days, excluding Saturdays, Sundays and state holidays, notify the data subject that his request has been accepted or denied. All such refusals may be appealed in accordance with KRS 61.880 or 61.882. If the data subject's appeal is upheld, the attorney general or the court shall order the agency to correct or amend the record consistent with its findings.

(4) If a challenge is refused, the data subject may file a statement of disagreement which becomes a part of the record. Personal information which is or has been in dispute shall not be disclosed without an advisement of dispute or the individual's statement of disagreement included.

The Committee Amendment to **SB 59** is as follows:

Amend printed copy of **SB 59,** page 14, line 5, by inserting the word "*willful*" after "*a*";

and on page 14, line 8, by deleting "*shall*" and inserting in lieu thereof "*may*".

The Committee on Rules reported **SB 224, SB 226, SB 289** and **HB 499** have been posted for passage in Orders of the Day, March 15, 1978.

Representative Hancock requested he be recorded as voting "yea" on **SB 284.** Agreed.

Announcements

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions.

Floor Amendment No. 1 to **HR 49** by Representative Jones.

Floor Amendment No. 1 to **HR 129** by Representative McNutt.

Floor Amendment No. 1 to **HB 358** by Representative Jones.

Floor Amendment No. 2 to **SB 22** by Representative Donnermeyer.

Floor (Title) Amendment and Floor Amendment No. 1 to **SB 119** by Representative Adams.

Floor Amendment No. 1 to Committee Substitute for **SB 143** by Representative Beshear.

Floor Amendments Nos. 2, 3, 4, 5, and 6 to **SB 174** by Representative Blandford.

Floor Amendment No. 1 to Committee Substitute for **SB 192** for Representative Deskins.

Floor (Title) Amendment and Floor Amendment No. 2 to **SB 193** by Representative Beshear.

Floor Amendment No. 3 to **SB 222** by Representative Yates.

Floor Amendment No. 4 to **SB 222** by Representatives Imes and Overstreet.

Floor Amendment No. 5 to **SB 222** by Representative Mann.

Floor Amendment No. 2 to **SB 223** by Representative Beshear.

Floor (Title) Amendment and Floor Amendment No. 1 to **SB 241** by Representative Van Horn.

Floor Amendment No. 1 to **SB 245** by Representative Dunn.

Floor Amendments Nos. 1 and 2 to **SB 251** by Representative DeFalaise.

Floor Amendment No. 1 to **SB 261** by Representative stone.

Floor (Title) Amendment and Floor Amendment No. 2 to **SB 263** by Representative Yates.

Floor Amendment No. 1 to **SB 269** by Representative Williams.

Floor Amendment No. 2 to **SB 273** by Representative Deskins.

Floor Amendments Nos. 3 and 4 to **SB 273** by Representative Blandford.

Floor Amendment No. 2 to **SB 276** by Representative Brinkley.

Floor Amendment No. 1 to **SB 281** by Representative Blandford.

Floor Amendment No. 1 to **SB 284** by Representative B. Richardson.

Floor Amendment No. 2 to **SB 289** by Representative Gray.

Floor Amendment No. 3 to **SB 289** by Representative Lindsay.

Floor Amendment No. 4 to **SB 289** by Representative Adams.

Floor Amendment No. 5 to **SB 289** by Representatives Wells.

Floor Amendment No. 6 to **SB 289** by Representative Nett.

Floor Amendment No. 7 to Committee Substitute for **SB 289** by Representative Gray.

Floor Amendment No. 8 to **SB 289** by Representative Jones.

Floor Amendment No. 9 to **SB 289** by Representative Donnermeyer.

Floor Amendment No. 10 to **SB 289** by Representative Wilborn.

Floor Amendment No. 2 to **SB 292** by Representative Gray.

Floor Amendment No. 3 to **SB 292** by Representative Lindsay.

Floor Amendment No. 4 to **SB 292** by Representative Adams.

Floor Amendment No. 5 to **SB 292** by Representative Richards.

Floor Amendment No. 6 to **SB 292** by Representative Wells.

Floor Amendment No. 7 to **SB 292** by Representative Clapp.

Floor Amendment No. 8 to **SB 292** by Representative Jones.

Floor Amendments Nos. 1 and 2 to **SB 312** by Representative Bendl.

Floor Amendment No. 3 to **SB 312** by Representative Lindsay.

Floor Amendment No. 4 to **SB 312** by Representative Jones.

Floor Amendment No. 5 to **SB 312** by Representative Adams.

Floor Amendment No. 6 to **SB 312** by Representative Richards.

Floor Amendment No. 7 to **SB 312** by Representative Clapp.

Floor Amendment No. 8 to **SB 312** by Representative Wells.

Floor (Title) Amendment and Floor Amendment No. 1 to **SB 314** by Representative Wilborn.

Floor Amendment No. 1 to **SB 317** by Representative Deskins.

Floor Amendment No. 2 to **SB 317** by Representative Van Horn.

Floor Amendments Nos. 1, 2, and 3 to **SB 341** by Representative Weinberg.

Floor Amendments Nos. 1 and 2 to **SB 346** by Representative Hancock.

Floor Amendment No. 3 to **SB 346** by Representative Siemens.

Adjournment

Representative B. Richardson moved that the House adjourn until 10:30 a.m., Wednesday, March 15, 1978.

The motion to adjourn was adopted by voice vote.

WEDNESDAY, MARCH 15, 1978

FIFTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Fred Lowry, Faith Temple Baptist Church, Louisville.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 14, 1978, be dispensed with and the same approved. Agreed.

Senate Message

Announcing passage of **SB 100, HB 92** with Amendments, **HB 244** with Amendment, **HB 140** with Amendment, **HB 377, HB 93, HB 363, HB 362, HB 44** with Amendment, and **HB 626.**

Posting of Bills and Resolutions for Consideration

The Clerk announced **SB 204** has been posted for consideration by the Committee on Business Organizations and Professions.

Report of Committees

The Committee on Education reported **SB 217** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Consent Calendar.

SB 217, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.224 is amended to read as follows:

(1) The Commonwealth of Kentucky is committed to providing a comprehensive educational program for its exceptional school age children. [The bureau of exceptional children, through KRS 157.221, coordinates, directs, and monitors that program. State direction and implementation of a statewide exceptional education program is manifested in the biennial appropriation of funds to finance a particular number of such classroom units. The rate at which new exceptional units are funded indicates the state's ability to assure a quality educational opportunity for appropriate students in existing, locally operated, exceptional class units.]

(2) *Each* [All] county and independent *board* [boards] of education shall *provide* [operate] special education programs *for all school age exceptional children residing in that school district.* [to the extent required by, and] *Each program shall be provided* pursuant to [,] a plan which has been approved by the *bureau for exceptional children* [state board of education]. If any county or independent board of education fails to *provide* [operate and implement] special education programs in accordance with an *approved* [aforesaid] plan, *the state board for elementary and secondary education is hereby granted the authority to withhold minimum foundation payments, notwithstanding any other statutes to the contrary, until such time as the local board is in compliance with this Act* [the application of said county or independent board of education for minimum foundation payments may be considered insufficient].

(3) Depending on the specific exceptionality, an appropriate education in the least restrictive environment shall be provided: (a) in the school district where the child resides; (b) by contracting with another school district; or (c) by contracting with an approved public or private agency.

Section 2. KRS 157.230 is amended to read as follows:

(1) [If parents of as many as eight (8) trainable mentally handicapped children living in a school district desire special education classes for their children, school boards of any school district shall establish and maintain such classes, subject to any limitation specified in KRS 157.200 to 157.280 and regulations of the state board of education.

(2)] School boards of any school district *shall* [may], subject to any limitations specified in KRS 157.200 to 157.280, establish and maintain special educational programs for exceptional children who are residents of their school district, and such children, residents of other school districts, as may be authorized by KRS 157.240 to 157.295.

(2) [(3)] School boards of any school district may admit on preapproval and certification any [physically handicapped] child into special education programs at any time after the child has attained the age of three (3) years.

[(4) School boards of any school district may admit on proper approval and certification any educable or trainable mentally handicapped child into special education programs at any time after the child has attained the age of six (6) years; Provided, however, That educable and trainable mentally handicapped children shall not be enrolled in the same special class.]

Calendar

SB 135, **SB 273**, **SB 281**, **SB 304**, **SB 269**, **SB 314**, **HB 671**, **SB 309**, **SB 341**, **SB 301**, **HB 503**, **SB 173**, **HR 125**, **SB 136**, **SB 266**, **SB 204**, **SB 192**, **SB 171**, **SB 306**, **SCR 46**, **SCR 46**, **SJR 37**, **SB 59**, and **SCR 36** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by tile only. Ordered referred to the Committee on Rules.

Orders of the Day

Representative B. Richardson moved that the rules be suspended to act on a Resolution. Agreed.

Representative B. Richardson moved the adoption of the following **HR 132:**

HR 132, A RESOLUTION amending Rule 50 of the Rules of the House of Representatives.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That Rule 50 of the Rules of the House of Representatives is amended to read as follows:

Rule 50. Introduction of Bills. Bills and resolutions may be introduced by filing them in the Clerk's office at any time that her office is open. Bills and Resolutions introduced by filing them in the Clerk's office after the House has concluded Item 4, in Rule 4, Order of Business, shall be considered as having been introduced the next succeeding legislative day. The Clerk shall number bills in the order received, record their introduction, and transmit a copy immediately to the Committee on Committees for reference to committee. No bill or resolution having the force of law, shall be introduced during the last ten (10) legislative days of the session, *nor shall any amendment to a bill or resolution be in order during such final ten (10) legislative days which proposes to insert therein the text of any other bill or resolution.* The last two legislative days shall be reserved by the House exclusively for the business of concurring in amended House bills.

Representative Burnette moved that **HR 132** be laid on the table.

On the roll call the vote was yeas 24-Beshear, Boswell, Brinkley, Bruce, Burnette, Cyrus, Dawahare, DeFalaise, Gray, Guenthner, Holloway, Imes, Johnson, Layman, Maynard, Morris, Nett, Overstreet, Riner, Schmidt, Tobin, Van Horn, White, Wright. Nays 49-Adams, J. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Carpenter, Clapp, Clarke, Craddock, Crupper, Davenport, DeMarcus, Dietz, Donnermeyer, Dunn, Guy, Haering, Hancock, Hines, Holbrook, Isler, Jones, Kenton, Kidd, LeMaster, Lindsay, Mann, Marcum, May, McNutt, Noe, Pearman, Petty, Richards, B. Richardson, P. Richardson, Robinson, Sale, Siemens, F. Smith, R. Smith, Stewart, Thomas, Trevey, Turner, Weinberg, Wells.

The motion that **HR 132** be laid on the table was rejected. Representative B. Richardson filed Floor Amendment No. 1 to **HR 132.**

Representative B. Richardson moved that the rules be suspended to act on an amendment to **HR 132.** Rejected.

Representative B. Richardson moved that **HR 132** be laid on the Clerk's desk.

On the roll call the vote was yeas 26-W. Allen, Beshear, Brown, Burnette, Clapp, Cyrus, Dawahare, DeFalaise, Deskins, Gray, Hurst, Johnson, Layman, LeMaster, Lindsay, Maynard, Morris, Overstreet, Petty, Riner, Robinson, Van Horn, Weinberg, White, Wright, Yates. Nays 51-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Burch, Carpenter, Clarke, Craddock, Crupper, Davenport, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Isler, Kenton, Kleier, List, Mann, Marcum, May, McBee, McKinney, Nett, Noe, Pearman, Richards, B. Richardson, P. Richardson, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner.

The motion that **HR 132** be laid on the Clerk's desk was rejected.

Representative B. Richardson moved that the rules be suspended to act on an Amendment to **HR 132.** Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **HR 132:**

Amend printed copy of **HR 132,** page 1, line 15, after "amendment" and before "to" add "filed hereafter"

Agreed.

Representative B. Richardson moved that **HR 132,** as amended, be adopted.

Representative Imes moved that **HR 132** be sent to the Committee on State Government.

On the roll call the vote was yeas 48-Adams, W. Allen, Arnold, Bennett, Beshear, Boatwright, Brown, Burnette, Clarke, Cyrus, Dawahare, DeFalaise, Dunn, Foster, Gay, Gray, Guenthner, Haering, Head, Hines, Holbrook, Hurst, Imes, Johnson, Kleier, Layman, LeMaster, Lindsay, Marcum, Maynard, Morris, Nett, Noe, Overstreet, Patrick, Rattliff, Riner, Romines, Schmidt, F. Smith, Stone, Thomas, Trevey, Van Horn, Weinberg, White, Williams, Wright. Nays 42-J. Allen, Bendl, Benson, Blandford, Blythe, Boswell, Bruce, Carpenter, Clapp, Craddock, Crupper, Davenport, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Guy, Hancock, Isler, Jones, Kenton, List, Mann, May, McBee, McKinney, Pearman, Petty, Richards, B. Richardson, P. Richardson, Robinson, Sale, Siemens, R. Smith, Stewart, Tobin, Turner, Wells, Worthington, Yates.

The motion that **HR 132** be sent to the Committee on State Government was adopted.

Recess

Representative B. Richardson moved that the House recess for fifteen minutes for committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

Representative B. Richardson moved that the rules be suspended to waive the posting requirement on **HR 132.** Agreed.

Recess

Representative B. Richardson moved that the House recess for three minutes for a meeting of the Committee on State Government. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

Representative Gray moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

Representative Gay moved the adoption of the following **HR 135:**

HR 135, A RESOLUTION to adjourn the House of Representatives on this day in honor of the Leslie County Lady Eagles girls basketball team and their coach, Wendell Wilson.

WHEREAS, the Leslie County Lady Eagles and Wendell Wilson have contributed immensely to the development and enrichment of the art of basketball and good sportsmanship; and

WHEREAS, the Leslie County Lady Eagles and Wendell Wilson have honorably represented their community by tenaciously winning the 54th District playoff and courageously advancing to the 14th Region semi-finals; and

WHEREAS, the Leslie County Lady Eagles and Wendell Wilson have devoted their ample talents to notable academic and civic endeavors;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day, it does so in honor of the Leslie County Lady Eagles and Wendell Wilson.

Section 2. That the Clerk be directed to transmit a copy of this resolution to the Leslie County Lady Eagles and Wendell Wilson.

HR 135 was adopted by voice vote.

SB 292 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **SB 292** be passed.

Representative Gray moved the adoption of the following Floor Amendment No. 2 to **SB 292:**

Amend printed copy of **SB 292,** page 2, line 9, by adding the following:

"SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context requires otherwise.

(1) "Board" means the board of education of a school district as defined in KRS 160.160.

(2) "Certificated person" or "certified personnel" means those persons, other than temporary substitutes, holding positions requiring certificates referred to in KRS 161.020 through 161.120 who are below the rank of superintendent, deputy superintendent, associate superintendent, and assistant superintendent and employed by the board.

(3) "Association" means an organization composed of personnel employed by the board and holding positions for which certificates are required. The certificated personnel who are members of such "association" may be all "teachers," all "administrators," or both.

(4) "Members" or "membership" means only those persons belonging to an association who are certificated personnel and who are in good standing with the association.

(5) "Administrator" means a certificated person who devotes the majority of his employed time to service as a principal, assistant principal, supervisor, coordinator, director, assistant director, administrative assistant, finance officer, or school business administrator, or who holds a position in which he evaluates or supervises teachers or recommends personnel for employment or discharge.

(6) "Teacher" means all certificated personnel who are not administrators.

(7) "Administrator unit" means certificated personnel who are members of a section or department of an association that has requested separate bargaining rights pursuant to subsection (4) of Section 2 of this Act, the members of such sections or department being all administrators.

(8) "Teacher unit" means certificated personnel who are members of a section or department of an association that has requested separate bargaining rights pursuant to subsection (4) of Section 2 of this Act, the members of such section or department being all teachers.

(9) "Collective bargaining" or "bargaining" means the performance of the mutual obligation of the board as an employer, by it officers and agents, and the association, to meet and confer at reasonable times, in

good faith with respect to the subjects of bargaining provided in this Act with the intention of reaching an agreement or to resolve questions arising under such an agreement. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document.

(10) "Grievance" means a claim based upon an event or condition which affects the interpretation, meaning, or application of the provisions of the collective bargaining agreement between the board and the association.

(11) "Aggrieved person" means the certificated person or persons making the claim.

(12) "Party in interest" means the certificated person or persons making the claim or any person who might be required to take action or against whom action might be taken in order to resolve the claim.

SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) On or after the effective date of this Act in each school district where at least one association exists, the board shall accept written requests for recognition from associations in the district seeking to be exclusive representative of all certificated personnel, all teachers, or all administrators in the district for purposes of collective bargaining.

(2) Associations seeking recognition by the board must submit as a part of the written request for recognition, an affidavit stating:

(a) That the request is on behalf of the membership of the association. If the request is from an association composed of both teachers and administrators, the affidavit shall state whether or not separate bargaining rights are desired by a teacher unit, an administrator unit, or both, as set forth in subsection (3) of this section.

(b) That to the best of its knowledge and belief, the association is the certified representative of more than fifth percent (50%) of certificated personnel or teachers or administrators as the case may be, employed within the district by the board.

(c) The total number of members of the association, as verified by a certified public accountant.

(d) That the certificated personnel voted by secret ballot pursuant to reasonable notice to all members in good standing to determine whether or not the association should request the board to recognize the association as the exclusive representative of all certificated personnel, all teachers, or all administrators in the district for purposes of collective bargaining.

(e) That the results of the vote indicated that a majority of the certificated personnel voted in favor of said representation.

(3) Teachers and administrators may bargain through separate associations or they may bargain jointly or separately through a single association to which all certificated personnel are eligible to belong.

(4) If separate bargaining rights are desired within an association to which all certificated personnel are eligible to belong, a teacher unit, an administrator unit, or both may be organized within the structure of the association. The association shall in such event include in its request for recognition a statement informing the board that a teacher unit, an administrator unit, or both shall require separate bargaining rights and that the basis for separate bargaining rights is a majority vote of members of the teacher unit or the administrator unit or the administrator unit or both.

(5) Upon receipt of a request for recognition the board shall notify the chief elected officer of each association in the school district of the request in writing by certificated mail and shall grant such associations the right to challenge any request prior to recognition of an association by the board. Challenges must be submitted within fifteen (15) calendar days from receipt of notice from the board and such challenge must be in the form of a request. A request shall be accompanied by either a verified statement by a Certified Public Accountant listing the total number of members in the challenging association, the fact that the members are in good standing and the fact that they constitute twenty-five percent (25%) of the certificated personnel in the

challenged unit or accompanied by a petition requesting a secret ballot election signed by twenty-five percent (25%) of the certificated personnel in the unit. Even though the original request for recognition is for recognition for both a teacher unit and an administrator unit, the challenge may be directed to one or the other.

(6) If the board receives only one request for recognition, the board shall, at a time no later than its next regular meeting, issue a written statement of recognition to the association, establishing such association as the exclusive representative of all certificated personnel, all teachers, or all administrators in the district, as the case may be, for purposes of professional negotiation; provided, however, that in the event the board in good faith questions whether or not the association represents more than fifty percent (50%) of certificated personnel, or teachers or administrators, as the case may be, employed within the district by the board, the board shall not be required to issue its statement of recognition to the association unless and until such percentage representative has been verified by the department of labor, and when a teacher unit or an administrator unit qualifies for separate negotiating rights within an association, the written statement of recognition to the association shall so state.

(7) If the board receives a challenge and request for secret ballot election for recognition of an association as representative of all certificated personnel in the teacher unit or administrator unit or both, the board shall verify that the challenge is accompanied by the requisite number of members or signatures in the challenged unit only as required under subsection (5) above. Verification shall be completed within a period of ten (10) days after the receipt of challenge. Upon completion of the verification, the board shall fix a date for the secret ballot election which date shall not be later than thirty (30) days from the date of completion of verification. The election shall be conducted during school hours on school premises in accordance with regulations promulgated by the department of labor who shall be guided in promulgation by the standards for the conduct of elections followed by the national labor relations board and its rules so promulgated shall not be conflict therewith. The cost of said secret ballot election shall be borne equally by the participating associations whose names shall be listed on the ballot in alphabetical order together with a separate listing for "no association". If more votes are cast for no association than for exclusive representative of the certificated personnel in the unit then no association shall be permitted to petition for such recognition, regardless of membership, for a period of twenty-four (24) months from the date on which said secret ballot election was held. In the event one of the associations listed on the ballot has a plurality of ballots cast, that association shall be certified as the exclusive representative for all of the certificated personnel in the unit and shall remain the exclusive representative for a period of thirty-six (36) months from June 30 following the date of said election and no other qualification shall be required for such period.

(8) Written statements of recognition shall become part of the official minutes of the board.

SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) A board's recognition of an association for purposes of collective bargaining shall be for a period not to exceed three (3) years, beginning and ending on June 30. The term of a collective bargaining agreement shall be negotiated by a board and an association, but in no case shall the term of the agreement extend beyond the period of recognition. The recognition shall continue for an additional three (3) years unless challenge is received within sixty (60)

(3) "Association" means an organization composed of personnel employed by the board and holding positions for which certificates are required. The certificated personnel who are members of such "association" may be all "teachers," all "administrators," or both.

(4) "Members" or "membership" means only those persons belonging to an association who are certificated personnel and who are in good standing with the association.

(5) "Administrator" means a certificated person who devotes the majority of his employed time to service as a principal, assistant principal, supervisor, coordinator, director, assistant director, administrative assistant, finance officer, or school business administrator, or who holds a position in which he evaluates or supervises teachers or recommends personnel for employment or discharge.

(6) "Teacher" means all certificated personnel who are not administrators.

(7) "Administrator unit" means certificated personnel who are members of a section or department of an association that has requested separate bargaining rights pursuant to subsection (4) of Section 2 of this Act, the members of such sections or department being all administrators.

(8) "Teacher unit" means certificated personnel who are members of a section or department of an association that has requested separate bargaining rights pursuant to subsection (4) of Section 2 of this Act, the members of such section or department being all teachers.

(9) "Collective bargaining" or "bargaining" means the performance of the mutual obligation of the board as an employer, by it officers and agents, and the association, to meet and confer at reasonable times, in good faith with respect to the subjects of bargaining provided in this Act with the intention of reaching an agreement or to resolve questions arising under such an agreement. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document.

(10) "Grievance" means a claim based upon an event or condition which affects the interpretation, meaning, or application of the provisions of the collective bargaining agreement between the board and the association.

(11) "Aggrieved person" means the certificated person or persons making the claim.

(12) "Party in interest" means the certificated person or persons making the claim or any person who might be required to take action or against whom action might be taken in order to resolve the claim.

SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) On or after the effective date of this Act in each school district where at least one association exists, the board shall accept written requests for recognition from associations in the district seeking to be exclusive representative of all certificated personnel, all teachers, or all administrators in the district for purposes of collective bargaining.

(2) Associations seeking recognition by the board must submit as a part of the written request for recognition, an affidavit stating:

(a) That the request is on behalf of the membership of the association. If the request is from an association composed of both teachers and administrators, the affidavit shall state whether or not separate bargaining rights are desired by a teacher unit, an administrator unit, or both, as set forth in subsection (3) of this section.

(b) That to the best of its knowledge and belief, the association is the certified representative of more than fifth percent (50%) of certificated personnel or teachers or administrators as the case may be, employed within the district by the board.

(c) The total number of members of the association, as verified by a certified public accountant.

(d) That the certificated personnel voted by secret ballot pursuant to reasonable notice to all members in good standing to determine whether or not the association should request the board to recognize the association as the exclusive representative of all certificated personnel, all teachers, or all administrators in the district for purposes of collective bargaining.

(e) That the results of the vote indicated that a majority of the certificated personnel voted in favor of said representation.

(3) Teachers and administrators may bargain through separate associations or they may bargain jointly or separately through a single association to which all certificated personnel are eligible to belong.

(4) If separate bargaining rights are desired within an association to which all certificated personnel are eligible to belong, a teacher unit, an administrator unit, or both may be organized within the structure of the association. The association shall in such event include in its request for recognition a statement informing the board that a teacher unit, an administrator unit, or both shall require separate bargaining rights and that the

basis for separate bargaining rights is a majority vote of members of the teacher unit or the administrator unit or the administrator unit or both.

(5) Upon receipt of a request for recognition the board shall notify the chief elected officer of each association in the school district of the request in writing by certificated mail and shall grant such associations the right to challenge any request prior to recognition of an association by the board. Challenges must be submitted within fifteen (15) calendar days from receipt of notice from the board and such challenge must be in the form of a request. A request shall be accompanied by either a verified statement by a Certified Public Accountant listing the total number of members in the challenging association, the fact that the members are in good standing and the fact that they constitute twenty-five percent (25%) of the certificated personnel in the challenged unit or accompanied by a petition requesting a secret ballot election signed by twenty-five percent (25%) of the certificated personnel in the unit. Even though the original request for recognition is for recognition for both a teacher unit and an administrator unit, the challenge may be directed to one or the other.

(6) If the board receives only one request for recognition, the board shall, at a time no later than its next regular meeting, issue a written statement of recognition to the association, establishing such association as the exclusive representative of all certificated personnel, all teachers, or all administrators in the district, as the case may be, for purposes of professional negotiation; provided, however, that in the event the board in good faith questions whether or not the association represents more than fifty percent (50%) of certificated personnel, or teachers or administrators, as the case may be, employed within the district by the board, the board shall not be required to issue its statement of recognition to the association unless and until such percentage representative has been verified by the department of labor, and when a teacher unit or an administrator unit qualifies for separate negotiating rights within an association, the written statement of recognition to the association shall so state.

(7) If the board receives a challenge and request for secret ballot election for recognition of an association as representative of all certificated personnel in the teacher unit or administrator unit or both, the board shall verify that the challenge is accompanied by the requisite number of members or signatures in the challenged unit only as required under subsection (5) above. Verification shall be completed within a period of ten (10) days after the receipt of challenge. Upon completion of the verification, the board shall fix a date for the secret ballot election which date shall not be later than thirty (30) days from the date of completion of verification. The election shall be conducted during school hours on school premises in accordance with regulations promulgated by the department of labor who shall be guided in promulgation by the standards for the conduct of elections followed by the national labor relations board and its rules so promulgated shall not be conflict therewith. The cost of said secret ballot election shall be borne equally by the participating associations whose names shall be listed on the ballot in alphabetical order together with a separate listing for "no association". If more votes are cast for no association than for exclusive representative of the certificated personnel in the unit then no association shall be permitted to petition for such recognition, regardless of membership, for a period of twenty-four (24) months from the date on which said secret ballot election was held. In the event one of the associations listed on the ballot has a plurality of ballots cast, that association shall be certified as the exclusive representative for all of the certificated personnel in the unit and shall remain the exclusive representative for a period of thirty-six (36) months from June 30 following the date of said election and no other qualification shall be required for such period.

(8) Written statements of recognition shall become part of the official minutes of the board.

SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) A board's recognition of an association for purposes of collective bargaining shall be for a period not to exceed three (3) years, beginning and ending on June 30. The term of a collective bargaining agreement shall be negotiated by a board and an association, but in no case shall the term of the agreement extend beyond the period of recognition. The recognition shall continue for an additional three (3) years unless challenge is received within sixty (60) calendar days. If no challenges to the request for renewal are received by the board, the board shall at a time no later than ten (10) days or not later than its next regular meeting, whichever is earlier, issue a written statement of recognition. If the request for renewal is challenged, the board shall follow procedures set forth in subsections (7) and (8) of Section 2 of this Act.

(2) The superintendent of schools shall comply with all reasonable requests from bargaining teams for records and information relating to subjects under negotiation and proposed subjects of bargaining. Public

records and documents supplied by the superintendent to one of the bargaining teams shall also be supplied to the other.

(3) Agreements between the recognized association and the board that have been reached through bargaining shall be in written form and subscribed to by the duly authorized representatives of the board and the association. All such agreements shall become part of the official minutes of the board and the collective bargaining agreement.

SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) The board shall not be required to discuss and bargain matters of interest managerial policy, including but not limited to, budget composition, utilization of technology, organizational structure, selection and direction and number of personnel.

The board and the association shall, if either party so requests, discuss and bargain with each other policy matters relating to compensation, salary schedules, terms and conditions of employment, transfer of personnel and negotiation of an agreement.

(3) The association and the board shall, at all times, bargain with each other in good faith. A sincere effort shall be made by both parties to overcome obstacles to agreement in the bargaining process.

SECTION 6. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Collective bargaining in a school district shall occur when the recognized association or the board requests. Such bargaining shall be completed within ninety (90) calendar days of the original request or by an earlier date if agreed to by the recognized association and the board. If agreement upon the matter being negotiated has not been reached by the end of the ninety (90) day period, or by the date agreed upon by the association and the board, an impasse shall be presumed to exist, and the procedure for resolving an impasse as outlined in Section 7 of this Act shall be employed. Either party may, when acting in good faith, declare an impasse to exist at any stage of bargaining.

(2) Once a matter has been bargained that same matter shall not be subject to bargaining for a period of twelve (12) months from the date bargaining commenced. However, the parties may mutually agree to reopen negotiation on any matter at any time.

SECTION 7. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Upon declaration of impasse by either party or upon failure of the parties to complete bargaining before deadlines set forth in this Act and in the collective bargaining agreement, the following procedure for resolution of the impasse shall be employed: The department of labor shall be notified and within seven (7) calendar days the board and the recognized association shall agree upon and appoint a mediator. If at the termination of the above-mentioned time period a mediator cannot be agreed upon and appointed, the party that declared the impasse shall immediately notify the department of labor, who within ten (10) calendar days of receipt of notification shall appoint a mediator. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. Provided, that the mediator may, without the consent of both parties, make findings of fact or recommend terms of settlement. Unless both parties agree to a longer period, the mediator shall have fifteen (15) calendar days in which to assist the parties in reaching agreement on the matter that has led to impasse.

(2) If the mediator's efforts do not result in the parties reaching agreement, the second step for resolving impasse shall commence in the following manner: The board and the recognized association shall within ten (10) calendar days from the expiration of the mediator's working period each select one (1) person to serve on a fact finding committee. A third person who shall serve as committee chairman shall be selected jointly by the other two (2) committee members. No committee member shall be a member of the board or the association. If within ten (10) calendar days from their appointment the two (2) committee members are unable to agree upon the choice of a chairman, the party that declared the impasse shall so notify the circuit court of the county in which the board is located, which shall appoint a chairman from a list of names provided by the

department of labor within ten (10) calendar days of receipt of notification. The committee members shall investigate, make findings of fact, and after consultation and vote, recommend a solution. The written findings and recommendation of the committee shall be represented to the parties within thirty (30) calendar days from the time the chairman is appointed. Such recommendation shall be advisory only.

(3) The board and the association shall adopt or reject the recommendations of the fact finding committee at its next regular meeting or by a date agreed to by the recognized association and the board.

(4) It shall be unlawful for the recognized association to cause or authorize any of its members to take part in a strike, slowdown, walkout, sickout or any other action disrupting the orderly and continuous conduct of the public schools, and it shall be further unlawful for any teacher or administrator to take part in a strike, slowdown, walkout, sickout or any other action disrupting the orderly and continuous conduct of the public schools. Violation of this provision shall be grounds for the board to suspend or dismiss any employ a participating therein; or to seek injunctive relief; or to request the circuit court to impose fines for contempt of court either against the association in an amount not to exceed $500 per day or any employe not to exceed $500 per day or any employe not to exceed $100 per day for any or all of the foregoing acts.

(5) Nothing in this section shall be construed to prohibit the parties from voluntarily agreeing to submit any or all of the issues in dispute to final and binding arbitration.

SECTION 8. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

Certificated personnel shall have the right to join or not to join any association for their professional or economic improvement.

SECTION 9. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

Expenses of advisors selected jointly by the board and the association and expenses of persons required to be appointed by the department of labor or the circuit court shall be shared equally by the board and the association. The board shall pay the expenses of any person it appoints or selects, and the association shall pay the expenses of any person it appoints or selects. Expenditures required under this Act are conclusively presumed to be for the direct benefit of the public schools and for a valid school purpose.

SECTION 10. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Boards and associations reaching agreements, as described in Section 4(3), shall adopt a grievance procedure pursuant to Sections 11, 12 and 13 of this Act, or some other grievance procedure negotiated by the parties and contained in the agreement. The purpose of any such grievance procedure shall be to secure at the lowest possible administrative level, equitable solutions to the problems that may from time to time arise affecting the interpretation, meaning or application of the provisions of the agreement between the association and the board. The proceedings will be kept informal and confidential at any level of the procedure, but may be made public within three (3) days of the conclusion of the final arbitration.

(2) Nothing contained herein will be construed as limiting the right of any member having a grievance to discuss the matter informally with any appropriate member of the administration, and to have the grievance adjusted without intervention by the association.

(3) The grievance procedures contained in Sections 11, 12, and 13 of this Act shall not be applicable to any agreement unless specifically adopted by the terms of such agreement.

SECTION 11. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Grievances must be processed as rapidly as possible and the timetable specified at each level is to be considered as a maximum. Every effort should be made to expedite the process but the time limits specified may be extended by mutual agreement. In the event a grievance is filed at such a time that it cannot be processed through all the steps in the grievance procedure by the end of the school year and, if left unresolved until the beginning of the following school year, could result in irreparable harm to a party in interest, the time

limits set forth herein shall be reduced so that the procedure will be exhausted prior to the end of the school year or as soon thereafter as is practicable. No grievance may be filed later than three (3) months after the event that allegedly caused it.

(2) Level One. A member with a grievance will first discuss it with his principal or immediate superior, either directly or through the association's designated grievance representative, with the objective of resolving the matter informally.

(3) Level Two.

(a) If the aggrieved person is not satisfied with the disposition of his grievance at Level One, or if no decision has been rendered within ten (10) school days after presentation of the grievance, he may file the grievance in writing simultaneously with the chairman of the grievance committee, as established by the association, and with the superintendent within five (5) school days after the decision at Level One or fifteen (15) school days after the grievance was presented, whichever is sooner.

(b) Within ten (10) school days after receipt of the written grievance by the superintendent, he will meet with the aggrieved person and a representative of the association in an effort to resolve it.

(4) Level Three.

(a) If the aggrieved person is not satisfied with the disposition of his grievance at Level Two, or if no decision has been rendered within ten (10) school days after he has first met with the superintendent, he may, within five (5) school days after a decision by the superintendent or fifteen (15) school days after he has first met with the superintendent, whichever is sooner, request in writing that the chairman of the grievance committee submit his grievance to arbitration. If the grievance committee determines that the grievance should be submitted to arbitration, the grievance committee may, by written notice to the superintendent within fifteen (15) school days after receipt of the request from the aggrieved person, submit the grievance to arbitration. If the grievance committee does not submit the grievance to arbitration, the aggrieved person may do so by written notice to the superintendent within five (5) school days after refusal to submit by the grievance committee. The arbitrator selected to hear the dispute shall first rule on the question as to whether the particular grievance involves the interpretation, meaning or application of any of the provisions of the agreement between the association and the board.

(b Within ten (10) school days after such written notice of submission to arbitration, the superintendent and the grievance committee shall attempt to agree upon a mutually acceptable arbitrator and to obtain a commitment from such arbitrator to serve. The aggrieved person shall take the place of the grievance committee when the grievance committee has declined to submit the grievance to arbitration. If the parties are unable to agree upon an arbitrator or to obtain such a commitment within the ten-day period, a request for a list of arbitrators may be made to the American arbitration association by either party. The parties will then be bound by the rules and procedures of the American arbitration association in the selection of an arbitrator.

(c) The arbitrator so selected will confer with the superintendent, the grievance committee, and the aggrieved person, hold hearings promptly, and issue his decision not later than twenty (20) days from the date of the close of the hearings or, if oral hearings have been waived, then from the date the final statements and proofs are submitted to him. The arbitrator's recommendations will be in writing and will set forth his findings of fact, reasoning and conclusions on the issues submitted. The arbitrator shall be without power or authority to make any decision that requires the commission of an act prohibited by law or that is violative of the terms of the agreement. The decision of the arbitrator will be submitted to the board and the association.

(d) In all arbitration hearings the procedural rules of the American arbitration association in effect at the time the grievance is originally filed shall be used to the extent that such rules do not conflict with this Act or the negotiated agreement.

(e) The costs for the services of the arbitrator, including per diem expenses, if any, and his travel and subsistence expenses and the cost of any hearing room shall be borne equally by the board and the association except when the aggrieved person pursues arbitration without the recommendations of the grievance committee. In such latter case the costs shall be borne equally by the board and the aggrieved person. All other costs shall be borne by the party incurring them.

SECTION 12. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) No reprisals of any kind will be taken by the superintendent or by any member or representative of the administration or the board against any aggrieved person, any party in interest, any grievance representative, any member of the grievance committee or any other participate in the grievance procedure by reason of such participation.

(2) A member may be represented at all stages of the grievance procedure by himself, or, at his option, by a grievance representative, selected by the association. The association or aggrieved party shall not be restricted in the selection of a grievance representative and it is not necessary that the person selected be a member of the association or an employe of the board. The association or aggrieved party may choose to change grievance representatives in moving from one (1) level of grievance procedure to another, provided the board is notified in writing of such change.

(3) References to the superintendent in Sections 4, 11, 12 and 13 shall be construed to include such other person or persons that the superintendent or board may designate as a representative for the purpose of carrying out the provisions of said sections.

(4) If a member is not represented by the association, the association shall have the right to present and state its views at all stages of the grievance procedure. When the association enters into the grievance procedure, it may present new facts but shall be restricted to the grievance as originally presented.

SECTION 13. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) If, in the judgment of the grievance committee, a grievance affects a group or class of members, the grievance committee may initiate and submit such grievance in writing to the superintendent directly and the processing of such grievance shall be commended at Level Two.

(2) If a grievance arises from action or inaction on the part of a member of the administration at a level above the principal or immediate superior, the aggrieved person shall submit such grievance in writing to the superintendent and the grievance committee directly and the processing of such grievance shall be commended at Level Two. The grievance committee may not process such a grievance if the aggrieved person does not wish to do so.

(3) Decisions rendered at Levels One and Two of the grievance procedure shall be in writing setting forth the decision and the reasons therefor and shall be transmitted promptly to all parties in interest and to the chairman of grievance committee. Decisions rendered at Level Three will be in accordance with the procedures set forth in Section 11 (4)(d).

(4) If it is necessary for a grievance representative, member of the grievance committee or other representative designated by the association to investigate a grievance or attend a grievance meeting or hearing during the school day, he will, upon reasonable notice to his principal or immediate superior by the chairman of the grievance committee, be released without loss of pay as reasonably necessary in order to permit participation in the foregoing activities so long as such activities do not unreasonably interfere with the normal school routines and business, provided, however, if the school administrator determines that such meeting unduly interferes with school business such meeting shall be held at a time other than normal school hours. Any member whose appearance in such investigations, meetings, or hearings as a witness is necessary will be accorded the same right.

(5) All documents, communications, and records dealing with the processing of a grievance will be filed in a separate grievance file and no record or notation of any kind, concerning a grievance, will be placed in the personnel file of any of the participants.

(6) Forms for filing grievances, serving notices, taking appeals, making reports and recommendations, and other necessary documents shall be prepared and distributed by the department of labor.

SECTION 14. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

The provisions of this Act shall not abridge the recognition of or agreement with any employe organization which is in effect at the effective date of this Act. Items which have been bargained between local boards and associations shall continue to be bargained in subsequent contracts.

SECTION 15. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

No collective bargaining agreement shall contain any provision that would be in violation of any statute enacted by the General Assembly or any administrative regulation promulgated in accordance with the provisions of KRS Chapter 13.

Section 16. The effective date of this Act shall be January 1, 1979."

The Speaker ruled Floor Amendment No. 2 to **SB 292** not germane.

Representatives Van Horn and Gray appealed the ruling of the Chair.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

On the roll call the vote ways yeas 59-Adams, J. Allen, Arnold, Bendl, Blandford, Blythe, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Davenport, DeFalaise, Fitzgerald, Foster, Guenthner, Haering, Hancock, Head, Hines, Holbrook, Imes, Jones, Kidd, Layman, Lindsay, List, Marcum, May, McKinney, Morris, Noe, O'Brien, Patrick, Pearman, Petty, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Weinberg, Wells, Williams, Worthington, Wright. Nays 19-Bennett, Beshear, Boswell, Brown, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Gray, Holloway, Isler, Johnson, Little, Mann, Priddy, Van Horn, Wilborn, Yates.

The ruling of the Chair was upheld.

The Speaker resumed the Chair.

Representative B. Richardson moved that **SB 292** be passed.

On the roll call the vote was yeas 92-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

SB 292 was passed and the title agreed to.

Representative Richards moved that the vote by which **SB 292** was passed be reconsiderd and said motion be posted indefinitely. Agreed.

The Speaker Pro Tempore presiding.

SB 174 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Arnold moved the adoption of the following Floor Amendment No. 1 to **SB 174:**

Amend printed copy of **SB 174,** page 16, following line 13, by inserting the following:

"Section 8. KRS 224.850 is amended to read as follows:

(1) For purposes of KRS 224.850 and 224.852 only, "pollution control facility" shall mean and include:

(a) Any property designed, constructed, or installed as a component part of any commercial or industrial premises for the primary purpose of eliminating or reducing the emission of, or ground level concentration of, particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substances, or any combination thereof which renders air harmful or inimical to the health of persons or to property within this commonwealth;

(b) Any disposal system or any treatment works, pre-treatment works, appliance, equipment, machinery, or installation constructed, used, or placed in operation primarily for the purpose of reducing, controlling, or eliminating thermal pollution or water pollution caused by industrial waste, or what would be industrial waste, if discharged into the waters of the commonwealth;

(c) Any disposal system or any appliance, equipment, machinery or installation constructed, used or placed in operation primarily for disposing of solid waste or converting solid waste into an item of real economic value;

(d) Any property designed, constructed, or installed as a component part of any commercial or industrial premises for the primary purpose of eliminating or reducing the emission of sound which is harmful or inimical to the health of persons or to property, or materially reduces the quality of the environment in this commonwealth;

(e) Any property designed, constructed, or installed for the primary purpose of removing substances from raw materials, which substances, if permitted to become a component part of the finished product, would have a deleterious effect on the environment when the finished product was utilized.

(2) "Industrial waste" means any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present, which pollutes the waters of the commonwealth.

(3) "Solid waste" means any residue in a solid or semi-solid form *from residential areas or* resulting from any process of industry, manufacture, trade or business or from the development, processing, or recovery of any natural resource, which has insignificant economic value.

(4) "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, incinerator, or other works used for the purpose of treating, stabilizing, or holding sewage, industrial waste, or other wastes.

(5) "Water pollution" shall mean the placing of any noxious or deleterious substances in any waters of the commonwealth which render such waters harmful or inimical to aquatic life, or to the use of such waters for domestic water supply, or industrial or agricultural purposes or for recreation.

(6) "Waters of the commonwealth" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon, this commonwealth, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.

(7) "Department" shall mean the Kentucky department for natural resources and environmental protection.

(8) "Pollution control tax exemption certificate" shall mean that certificate issued by the department pursuant to KRS 224.852."

and on page 16, line 14, by deleting "8" and substituting therefor "9";

and on page 19, line 21, by deleting "9" and substituting therefor "10";

and on page 21, line 24, by deleting "10" and substituting therefor "11";

and on page 24, line 6, by deleting "11" and substituting therefor "12";

and on page 25, line 21, by deleting "12" and substituting therefor "13";

and on page 27, line 9, by deleting "13" and substituting therefor "14"

Agreed.

Representative Arnold moved that the rules be suspended to act on Floor Amendment No. 8 to **SB 174.** Agreed.

Representative B. Richardson moved that **SB 174,** as amended, be laid on the Clerk's desk. Agreed.

SB 312 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that **SB 312** be passed.

Representative Donnermeyer moved the adoption of the following Floor Amendment No. 1 to **SB 312:**

Amend printed copy of **SB 312,** by adding the following:

"SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context requires otherwise.

(1) "Board" means the board of education of a school district as defined in KRS 160.160.

(2) "Certificated person" or "certificated personnel" means those persons, other than temporary substitutes, holding positions requiring certificates referred to in KRS 161.020 through 161.120 who are below the rank of superintendent, deputy superintendent, associate superintendent, and assistant superintendent and employed by the board.

(3) "Association" means an organization composed of personnel employed by the board and holding positions for which certificates are required. The certificated personnel who are members of such "association" may be all "teachers," all "administrators," or both.

(4) "Members" or "membership" means only those persons belonging to an association who are certificated personnel and who are in good standing with the association.

(5) "Administrator" means a certificated person who devotes the majority of his employed time to service as a principal, assistant principal, supervisor, coordinator, director, assistant director, administrative assistant, finance officer, or school business administrator, or who holds a position in which he evaluates or supervises teachers or recommends personnel for employment or discharge.

(6) "Teacher" means all certificated personnel who are not administrators.

(7) "Administrator unit" means certificated personnel who are members of a section or department of an association that has requested separate bargaining rights pursuant to subsection (4) of Section 2 of this Act, the members of such section or department being all administrators.

(8) "Teacher unit" means certificated personnel who are members of a section or department of an association that has requested separate bargaining rights pursuant to subsection (4) of Section 2 of this Act, the members of such section or department being all teachers.

(9) "Collective bargaining" or "bargaining" means the performance of the mutual obligation of the board as an employer, by it officers and agents, and the association, to meet and confer at reasonable times, in good faith with respect to the subjects of bargaining provided in this Act with the intention of reaching an agreement or to resolve questions arising under such an agreement. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining

includes the reduction of any agreement reached to a written and signed document.

(10) "Grievance" means a claim based upon an event or condition which affects the interpretation, meaning, or application of the provisions of the collective bargaining agreement between the board and the association.

(11) "Aggrieved person" means the certificated person or persons making the claim.

(12) "Party in interest" means the certificated person or persons making the claim or any person who might be required to take action or against whom action might be taken in order to resolve the claim.

SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) On or after the effective date of this Act in each school district where at least one association exists, the board shall accept written requests for recognition from associations in the district seeking to be exclusive representative of all certificated personnel, all teachers, or all administrators in the district for purposes of collective bargaining.

(2) Associations seeking recognition by the board must submit as a part of the written request for recognition, an affidavit stating:

(a) That the request is on behalf of the membership of the association. If the request is from an association composed of both teachers and administrators, the affidavit shall state whether or not separate bargaining rights are desired by a teacher unit, an administrator unit, or both, as set forth in subsection (3) of this section.

(b) That to the best of its knowledge and belief, the association is the certified representative of more than fifty percent (50%) of certificated personnel or teachers or administrators as the case may be, employed within the district by the board.

(c) The total number of members of the association, as verified by a certified public accountant.

(d) That the certificated personnel voted by secret ballot pursuant to reasonable notice to all members in good standing to determine whether whether or not the association should request the board to recognize the association as the exclusive representative of all certificated personnel, all teachers, or all administrators in the district for purposes of collective bargaining.

(e) That the results of the vote indicated that a majority of the certificated personnel voted in favor of said representation.

(3) Teachers and administrators may bargain through separate associations or they may bargain jointly or separately through a single association to which all certificated personnel are eligible to belong.

(4) If separate bargaining rights are desired within an association to which all certificated personnel are eligible to belong, a teacher unit, an administrator unit, or both may be organized within the structure of the association. The association shall in such event include in its request for recognition a statement informing the board that a teacher unit, an administrator unit, or both shall require separate bargaining rights and that the basis for separate bargaining rights is a majority vote of members of the teacher unit or the administrator unit or both.

(5) Upon receipt of a request for recognition the board shall notify the chief elected officer of each association in the school district of the request in writing by certified mail and shall grant such associations the right to challenge any request prior to recognition of an association by the board. Challenges must be submitted within fifteen (15) calendar days from receipt of notice from the board and such challenge must be in the form of a request. A request shall be accompanied by either a verified statement by a Certified Public Account listing the total number of members in the challenging association, the fact that the members are in good standing and the fact that they constitute twenty-five percent (25%) of the certificated personnel in the challenged unit or accompanied by a petition requesting a secret ballot election signed by twenty-five percent (25%) of the certificated personnel in the unit. Even though the original request for recognition is for

recognition for both a teacher unit and an administrator unit, the challenge may be directed to one or the other.

(6) If the board receives only one request for recognition, the board shall, at a time no later than its next regular meeting, issue a written statement of recognition to the association, establishing such association as the exclusive representative of all certificated personnel, all teachers, or all administrators in the district, as the case may be, for purposes of professional negotiation; provided, however, that in the event the board in good faith questions whether or not the association represents more than fifty percent (50%) of certificated personnel, or teachers or administrators, as the case may be, employed within the district by the board, the board shall not be required to issue its statement of recognition to the association unless and until such percentage representation has been verified by the department of labor, and when a teacher unit or an administrator unit qualifies for separate negotiating rights within an association, the written statement of recognition to the association shall so state.

(7) If the board receives a challenge and request for secret ballot election for recognition of an association as representative of all certificated personnel in the teacher unit or administrator unit or both, the board shall verify that the challenge is accompanied by the requisite number of members or signatures in the challenged unit only as required under subsection (5) above. Verification shall be completed within a period of ten (10) days after the receipt of challenge. Upon completion of the verification, the board shall fix a date for the secret ballot election which date shall not be later than thirty (30) days from the date of completion of verification. The election shall be conducted during school hours on school premises in accordance with regulations promulgated by the department of labor who shall be guided in promulgation by the standards for the conduct of elections followed by the national labor relations board and its rules so promulgated shall not be in conflict therewith. The cost of said secret ballot election shall be borne equally by the participating associations whose names shall be listed on the ballot in alphabetical order together with a separate listing for "no association". If more votes are cast for no association than for exclusive representative of the certificated personnel in the unit than no association shall be permitted to petition for such recognition, regardless of membership, for a period of twenty-four (24) months from the date on which said secret ballot election was held. In the event one of the associations listed on the ballot has a plurality of ballots cast, that association shall be certified as the exclusive representative for all of the certificated personnel in the unit and shall remain the exclusive representative for a period of thirty-six (36) months from June 30 following the date of said election and no other qualification shall be required for such period.

(8) Written statements of recognition shall become part of the official minutes of the board.

SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) A board's recognition of an association for purposes of collective bargaining shall be for a period not to exceed three (3) years, beginning and ending on June 30. The term of a collective bargaining agreement shall be negotiated by a board and an association, but in no case shall the term of the agreement extend beyond the period of recognition. The recognition shall continue for an additional three (3) years unless a challenge is received within sixty (60) calendar days. If no challenges to the request for renewal are received by the board, the board shall at a time no later than ten (10) days or not later than its next regular meeting, whichever is earlier, issue a written statement of recognition. If the request for renewal is challenged, the board shall follow procedures set forth in subsections (7) and (8) of Section 2 of this Act.

(2) Thereupon, the board shall issue a statement of recognition to the proper association as set forth in subsection (1) of this section and subsections (7) and (8) of Section 2 of this Act.

SECTION 4. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) The association and board shall appoint bargaining teams for purposes of meeting and bargaining.

(2) The superintendent of schools shall comply with all reasonable requests from bargaining teams for records and information relating to subjects under negotiation and proposed subjects of bargaining. Public records and documents supplied by the superintendent to one of the bargaining teams shall also be supplied to the other.

(3) Agreements between the recognized association and the board that have been reached through bargaining shall be in written form and subscribed to by the duly authorized representatives of the board and

the association. All such agreements shall become part of the official minutes of the board and the collective bargaining agreement.

SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) The board shall not be required to discuss and bargain matters of inherent managerial policy, including but not limited to, budget composition, utilization of technology, organizational structure, selection and direction and number of personnel.

(2) The board and the association shall, if either party so requests, discuss and bargain with each other policy matters relating to compensation, salary schedules, terms and conditions of employment, transfer of personnel and negotiation of an agreement.

(3) The association and the board shall, at all times, bargain with each other in good faith. A sincere effort shall be made by both parties to overcome obstacles to agreements in the bargaining process.

SECTION 6. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Collective bargaining in a school district shall occur when the recognized association or the board requests. Such bargaining shall be completed within ninety (90) calendar days of the original request or by an earlier date if agreed to by the recognized association and the board. If agreement upon the matter being negotiated has not been reached by the end of the end of the ninety (90) day period, or by the date agreed upon by the association and the board, an impasse shall be presumed to exist, and the procedure for resolving an impassed as outlined in Section 7 of this Act shall be employed. Either party may, when acting in good faith, declare an impasse to exist at any state of bargaining.

(2) Once a matter has been bargained that same matter shall not be subject to bargaining for a period of twelve (12) months from the date bargaining commenced. However, the parties may mutually agree to reopen negotiation on any matter at any time.

SECTION 7. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Upon declaration of impasse by either party or upon failure of the parties to complete bargaining before deadlines set forth in this Act and in the collective bargaining agreement, the following procedure for resolution of the impasse shall be employed: The department of labor shall be notified and within seven (7) calendar days the board and the recognized association shall agree upon and appoint a mediator. If at the termination of the above-mentioned time period a mediator cannot be agreed upon and appointed, the party that declared the impasse shall immediately notify the department of labor, who within ten (10) calendar days of receipt of notification shall appoint a mediator. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. Provided, that the mediator may, without the consent of both parties, make findings of fact or recommend terms of settlment. Unless both parties agree to a longer period, the mediator shall have fifteen (15) calendar days in which to assist the parties in reaching agreement on the matter that has led to impasse.

(2) If the mediator's efforts do not result in the parties reaching agreement, the second step for resolving impasse shall commence in the following manner: The board and the recognized association shall within ten (10) calendar days from the expiration of the mediator's working period each select one (1) person to serve on a fact finding committee. A third person who shall serve as committee chairman shall be selected jointly by the other two (2) committee members. No committee member shall be a member of the board or the association. If within ten (10) calendar days from their appointment the two (2) committee members are unable to agree upon the choice of a chairman, the party that declared the impasse shall so notify the circuit court of the county in which the board is located, which shall appoint a chairman form a list of names provided by the department of labor within ten (10) calendar days of receipt of notification. The committee members shall investigate, make findings of fact, and after consultation and vote, recommend a solution. The written findings and recommendations of the committee shall be presented to the parties within thirty (30) calendar days from the time the chairman is appointed. Such recommendation shall be advisory only.

(3) The board and the association shall adopt or reject the recommendations of the fact finding committee at its next regular meeting or by a date agreed to by the recognized association and the board.

(4) It shall be unlawful for the recognized association to cause or authorize any of its members to take part in a strike, slowdown, walkout, sickout or any other action disrupting the orderly and continuous conduct of the public schools, and it shall be further unlawful for any teacher or administrator to take part in a strike, slowdown, walkout, sickout or any other aciton disrupting the orderly and continuous conduct of the public schools. Violation of this provision shall be grounds for the board to suspend or dismiss any employe participating therein; or to seek injunctive relief; or to request the circuit court to impose fines for contempt of court either against the association in an amount not to exceed $500 per day or any employe not to exceed $100 per day for any or all of the foregoing acts.

(5) Nothing in this section shall be construed to prohibit the parties from voluntarily agreeing to submit any or all of the issues in dispute to final and binding arbitration.

SECTION 8. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

Certificated personnel shall have the right to join or not to join any association for their professional or economic improvement.

SECTION 9. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

Expenses of advisors selected jointly by the board and the association and expenses of persons required to be appointed by the department of labor or the circuit court shall be shared equally by the board and the association. The board shall pay the expenses of any person it appoints or selects, and the association shall pay the expenses of any person it appoints or selects. Expenditures required under this Act are conclusively presumed to be for the direct benefit of the public schools and for a valid school purpose.

SECTION 10. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Boards and associations reaching agreements, as described in Section 4(3), shall adopt a grievance procedure pursuant to Sections 11, 12 and 13 of this Act, or some other grievance procedure negotiated by the parties and contained in the agreement. The purpose of any such grievance procedure shall be to secure at the lowest possible administrative level, equitable solutions to the problems that may from time to time arise affecting the interpretation, meaning or application of the provisions of the agreement between the association and the board. The proceedings will be kept informal and confidential at any level of the procedure, but may be made public within three (3) days of the conclusion of the final arbitration.

(2) Nothing contained herein will be construed as limiting the right of any member having a grievance to discuss the matter informally with any appropriate member of the administration, and to have the grievance adjusted without intervention by the association.

(3) The grievance procedures contained in Sections 11, 12 and 13 of this Act shall not be applicable to any agreement unless specifically adopted by the terms of such agreement.

SECTION 11. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) Grievances must be processed as rapidly as possible and the timetable specified at each level is to be considered as a maximum. Every effort should be made to expedite the process but the time limits specified may be extended by mutual agreement. In the event a grievance is filed at such a time that it cannot be processed through all the steps in the grievance procedure by the end of the school year and, if left unresolved until the beginning of the folllowing school year, could result in irreparable harm to a party in interest, the time limits set forth herein shall be reduced so that the procedure will be exhaused prior to the end of the school year or as soon thereafter as is practicable. No grievance may be filed later than three (3) months after the event that allegedly caused it.

(2) Level One. A member with a grievance will first discuss it with his principal or immediate superior, either directly or through the association's designated grievance representative, with the objective of resolving the matter informally.

(3) Level Two.

(a) If the aggrieved person is not satisfied with the disposition of his grievance at Level One, or if no decision has been rendered within ten (10) school days after presentation of the grievance, he may file the grievance in writing simultaneously with the chairman of the grievance committee, as established by the association, and with the superintendent within five (5) school days after the decision at Level One or fifteen (15) school days after the grievance was presented, whichever is sooner.

(b) Within ten (10) school days after receipt of the written grievance by the superintendent, he will meet with the aggrieved person and a representative of the association in an effort to resolve it.

(4) Level Three.

(a) If the aggrieved person is not satisfied with the disposition of his grievance at Level Two, or if no decision has been rendered within ten (10) school days after he has first met with the superintendent, he may, within five (5) school days after a decision by the superintendent or fifteen (15 school days after he has first met with the superintendent, whichever is sooner, request in writing that the chairman of the grievance committee submit his grievance to arbitration. If the grievance committee determines that the grievance should be submitted to arbitration, the grievance committee may, by written notice to the superintendent within fifteen (15) school days after receipt of the request from the aggrieved person, submit the grievance to arbitration. If the grievance committee does not submit the grievance to arbitration, the aggrieved person may do so by written notice to the superintendent within five (5) school days after refusal to submit by the grievance committee. The arbitrator selected to hear the dispute shall first rule on the question as to whether the particular grievance involves the interpretation, meaning or application of any of the provisions of the agreement between the association and the board.

(b) Within ten (10) school days after such written notice of submission to arbitration, the superintendent and the grievance committee shall attempt to agree upon a mutually acceptable arbitrator and to obtain a committment from such arbitrator and to obtain a commitment from such arbitrator to serve. The aggrieved person shall take the place of the grievance committee when the grievance committee has declined to submit the grievance to arbitration. If the parties are unable to agree upon an arbitrator or to obtain such a commitment within the ten-day period, a request for a list of arbitrators may be made to the American arbitration association by either party. The parties will then be bound by the rules and procedures of the American arbitration association in the selection of an arbitrator.

(c) The arbitrator so selected will confer with the superintendent, the grievance committee, and the aggrieved person, hold hearings promptly, and issue his decision not later than twenty (20) days from the date of the close of the hearings or, if oral hearings have been waived, then from the date the final statements and proofs are submitted to him. The arbitrator's recommendations will be in writing and will set forth his findings of fact, reasoning and conclusions on the issues submitted. The arbitrator shall be without power or authority to make any decision that requires the commission of an act prohibited by law or that is violative of the terms of the agreement. The decision of the arbitrator will be submitted to the board and the association.

(d) In all arbitration hearings the procedural rules of the American arbitration association in effect at the time the grievance is originally filed shall be used to the extent that such rules do not conflict with this Act or the negotiated agreement.

(e) The costs for the services of the arbitrator, including per diem expenses, if any, and his travel and subsistence expenses and the cost of any hearing room shall be borne equally by the board and the association except when the aggrieved person pursues arbitration without the recommendations of the grievance committee. In such latter case the costs shall be borne equally by the board and the aggrieved person. All other costs shall be borne by the party incurring them.

SECTION 12. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) No reprisals of any kind will be taken by the superintendent or by any member or representative of

the administration or the board against any aggrieved person, any party in interest, any grievance representative, any member of the grievance committee or any other participate in the grievance procedure by reason of such participation.

(2) A member may be represented at all stages of the grievance procedure by himself, or, at his option, by a grievance representative, selected by the association. The association or aggrieved party shall not be restricted in the selection of a grievance representative and it is not necessary that the person selected be a member of the association or an employe of the board. The association or aggrieved party may choose to change grievance representatives in moving from one (1) level of grievance procedure to another, provided the board is notified in writing of such change.

(3) References to the superintendent in Sections 4, 11, 12 and 13 shall be construed to include such other person or persons that the superintendent or board may designate as a representative for the purpose of carrying out the provisions of said sections.

(4) If a member is not represented by the association, the association shall have the right to present and state its views at all stages of the grievance procedure. When the association enters into the grievance procedure, it may present new facts but shall be restricted to the grievance as originally presented.

SECTION 13. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) If, in the judgment of the grievance committee, a grievance affects a group or class of members, the grievance committee may initiate and submit such grievance in writing to the superintendent directly and the processing of such grievance shall be commenced at Level Two.

(2) If a grievance arises from action or inaction on the part of a member of the administration at a level above the principal or immediate superior, the aggrieved person shall submit such grievance in writing to the superintendent and the grievance committee directly and the processing of such grievance shall be commenced at Level Two. The grievance committee by not process such a grievance if the aggrieved person does not wish to do so.

(3) Decisons rendered at Levels One and Two of the grievance procedure shall be in writing setting forth the decision and the reasons therefor and shall be transmitted promptly to all parties in interest and to the chairman of the grievance committee. Decisions rendered at Level Three wil be in accordance with the procedures set forth in Section 11, (4)(d).

(4) If it is necessary for a grievance representative, member of the grievance committee or other representative designated by the association to investigate a grievance or attend a grievance meeting or hearing during the school day, he will, upon reasonable notice to his principal or immediate superior by the chairman of the grievance committee, be released without loss of pay as reasonably necessary in order to permit participation in the foregoing activities so long as such activities do not unreasonably interfere with the normal school routines and business, provided, however, if the school administrator determines that such meeting unduly interferes with school business such meeting shall be held at a time other than normal school hours. Any member whose appearance in such investigations, meetings, or hearings as a witness is necessary will be accorded the same right.

(5) All documents, communications, and records dealing with the processing of a grievance will be filed in a separate grievance file and no record or notation of any kind, concerning a grievance, will be placed in the personnel file of any of the participants.

(6) Forms for filing grievances, serving notices, taking appeals, making reports and recommendations, and other necessary documents shall be prepared and distributed by the department of labor.

SECTION 14. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

The provisions of this Act shall not abridge the recognition of or agreement with any employe organization which is in effect at the effective date of this Act. Items which have been bargained between local boards and associations shall continue to be bargained in subsequent contracts.

SECTION 15. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

No collective bargaining agreement shall contain any provision that would be in violation of any statute enacted by the General Assembly or any administrative regulation promulgated in accordance with the provisions of KRS Chapter 13.

Section 16. The effective date of this Act shall be January 1, 1979."

The Speaker ruled Floor Amendment No. 1 to **SB 312** not germane.

Representatives Gray and Mann appealed the ruling of the Chair.

The Speaker Pro Tempore vacated the Chair.

The Speaker assumed the Chair.

On the roll call the vote was yeas 58-Adams, J. Allen, Arnold, Bendl, Benson, Blythe, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Davenport, Fitzgerald, Foster, Gay, Haering, Hancock, Head, Hines, Holbrook, Hurst, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Marcum, May, McBee, McKinney, McNutt, Morris, Nett, Noe, O'BRien, Patrick, Pearman, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Wells, Williams, Worthington, Wright. Nays 30-Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Cyrus, Dawahare, DeMarcus, Dietz, Donnermeyer, Gray, Holloway, Imes, Isler, Johnson, Kenton, Mann, Maynard, Petty, Priddy, Riner, F. Smith, Thomas, Van Horn, Weinberg, White, Wilborn.

The ruling of the Chair was upheld.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

Representative B. Richardson moved that **SB 312** be passed.

Representative Bendl moved the adoption of the following Floor Amendment No. 2 to **SB 312:**

Amend printed copy of **SB 312,** page 23, line 17, by creating the following new sections:

"SECTION 10. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

The Department for Human Resources shall maintain a statewide program to immunize every child prior to enrollment in school. The Department shall assume an affirmative obligation to identify and immunize every child.

SECTION 11. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

County health departments and local boards of education shall cooperate with the Department for Human Resources to accomplish the objectives of this Act. A continuing publicity an dpublic education effort shall be maintained by the county health departments, local boards of education and the Department for Human Resources to promote utilization of the programs.

SECTION 12. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

The immunizations shall be available at no cost to the child or to the child's parents, guardians, or other persons having care, custody, or control of the child.

SECTION 13. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall be interpreted to relieve the parents, guardians, or other persons having the legal responsibility for a child of their duty under KRS 214.036 to have their child immunized.

SECTION 14. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

This Act shall be in compliance with and in conjunction with KRS 214.036."

The Speaker ruled Floor Amendment No. 2 to **SB 312** not germane.

Representatives Deskins and Bendl appeared the ruling of the Chair.

The Speaker Pro Tempore vacated the Chair.

The Speaker presiding.

On the roll call the vote was yeas 61-J. Allen, W. Allen, Arnold, Blandford, Blythe, Boatwright, Boswell, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Head, Holbrook, Hurst, Imes, Kenton, Layman, LeMaster, List, May, McKinney, McNutt, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Schmidt, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Wells, Wright. Nays 20-Adams, Bendl, Beshear, Deskins, Dietz, Hancock, Isler, Johnson, Lindsay, Mann, Marcum, Maynard, Morris, Overstreet, Richards, Sale, Thomas, Wilborn, Williams, Yates.

The ruling of the Chair was upheld.

The Speaker vacated the Chair.

The Speaker Pro Tempore presiding.

Representative Richards moved the adoption of the Committee Amendment No. 1 to **SB 312.** Agreed.

Representative Richards moved that **SB 312,** as amended, be passed.

On the roll call the vote was yeas 82-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Isler, Johnson, Jones, Kenton, Kleier, LeMaster, Lindsay, Mann, May, Maynard, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams,, Worthington, Wright, Yates. Nays 5-Imes, List, Marcum, McNutt, Trevey.

SB 312, as amended, was passed and the title agreed to.

Representative Richards moved that the vote by which **SB 312,** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 264 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Boswell moved the adoption of the following Floor Amendment No. 1 to **SB 264:**

Amend printed copy of **SB 264,** page 3, line 8, following the word "such" by adding the word "a"
and on page 3, line 8, following the word "radio" by adding the following: "*, provided it is capable of receiving radio transmissions only and is not capable of sending or transmitting radio messages,*"

and on page 3, line 12, by deleting "and/"

and on page 3, line 13, following the word "shall" by inserting the following: ", *in addition to any other penalty prescribed by law,*"

Agreed.

Representative Fitzgerald moved that **SB 264,** as amended, be passed.

On the roll call the vote was yeas 77-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Holloway, Imes, Isler, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 12-Arnold, Beshear, Blythe, Bruce, Clarke, DeFalaise, Hancock, McKinney, McNutt, Morris, Nett, Trevey.

SB 264, as amended, was passed and the title agreed to.

Representative Fitzgerald moved that the vote by which **SB 264** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 488** be recommitted to the Committee on Judiciary-Statutes. Agreed.

Representative B. Richardson moved that **HB 565** be recommitted to the Committee on Judiciary-Statutes. Agreed.

Representative B. Richardson moved that **HB 709** be recommitted to the Committee on Judiicary-Statutes. Agreed.

Representative B. Richardson moved that **HB 743** be recommitted to the Committee on Counties and Special Districts. Agreed.

Representative B. Richardson moved that **HB 342** be recommitted to the Committee on Appropriations and Revenue. Agreed.

Representative B. Richardson moved that **SB 72, SB 245, SB 261,** and **SB 223** be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

SB 172 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **SB 172** be passed.

On the roll call the vote was yeas 77-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Carpenter, Clarke, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McKinney, McNutt, Morris,Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Priddy, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Wilborn, Wright, Yates. Nays 3-Bruce, Burnette, Crupper.

SB 172 was passed and the title agreed to.

Representative Kleier moved that the vote by which **SB 172** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

HB 186, HB 239, HB 299, HB 319, HB 345, HB 359, HB 383, HB 470, HB 540, HB 579, and **HCR 29** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (ordered)

Representative Arnold moved that the rules be suspended to act on a Legislative Citation. Agreed.

Representative Arnold moved the adoption of the following Legislative Citation No. 64:

The House of Representatives hereby congratulates Barry Hickey, Governor of the Kentucky Youth Assembly for the year 1977-78, sponsored by the YMCA of Montgomery County High School. This is one of the highest honors to have bestowed upon our youth. Barry is an outstanding Senior at Montgomery High School, Mt. Sterling, Kentucky. He is a fine citizen and an excellent academic student. He plans to attend the University of Kentucky majoring in law. We are very proud of Barry's accomplishments and we extend our best wishes for his continued success. (Sponsored by Representative Arnold)

Agreed.

SB 188 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holloway moved that **SB 188** be passed.

On the roll call the vote was yeas 77-J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Brinkley, Brown, Bruce, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Foster, Gray, Guenthner, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Priddy, Rattliff, Richards, B. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, Wilborn, Wright, Yates. Nays 8-Adams, Boswell, Crupper, Guy, Lindsay, Pearman, P. Richardson, Robinson.

SB 188 was passed and the title agreed to.

Representative Holloway moved that the vote by which **SB 188** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 329 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Imes moved that **SB 329** be passed.

On the roll call the vote was yeas 65-J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Craddock, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Priddy, Rattliff, Richards, Riner, Romines, Sale, R. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, Wilborn, Wright. Nays 16-Adams, W. Allen, Clarke, DeFalaise, DeMarcus, Fitzgerald, Jones, Mann, Marcum, McKinney, McNutt, Patrick, B. Richardson, P. Richardson, Thomas, Trevey.

SB 329 was passed and the title agreed to.

Representative Imes moved that the vote by which **SB 329** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 255 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81-J. Allen, W. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Mann, Marcum, McBee, McKinney, McNutt, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Wells, Wilborn, Worthington, Wright, Yates. Nays 6-Adams, Bendl, Bruce, Dawahare, Lindsay, Weinberg.

SB 255 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 255** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 258, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 258.**

Representative B. Richardson moved that **SB 258** be passed.

On the roll call the vote was yeas 16-Bennett, Beshear, Blythe, Bruce, Clarke, Donnermeyer, Dunn, Kenton, Mann, May, Maynard, McBee, Tobin, Wells, White, Worthington. Nays 65-Adams, J. Allen, W. Allen, Bendl, Blandford, Boatwright, Boswell, Brinkley, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Fitzgerald, Foster, Gray, Haering, Hancock, Head, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kleier, Layman, LeMaster, Lindsay, List, Little, Marcum, McKinney, McNutt, Nett, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Wright.

SB 258 was defeated.

Representative Overstreet moved that the vote by which **SB 258** was defeated be reconsidered and said motion be postponed indefinitely. Agreed.

SJR 5 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kidd moved that **SJR 5** be passed.

On the roll call the vote was yeas 76-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Isler, Johnson, Kenton, Kidd, LeMaster, Lindsay, List, Mann, Marcum, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Priddy, B. Richardson, P. Robinson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Williams. Nays 0.

SJR 5 was passed and the title agreed to.

Representative Kidd moved that the vote by which **SJR 5** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 121 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved the adoption of **HR 121.**

HR 121 was adopted by voice vote.

SCR taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Noe moved that **SCR 52** be passed.

On the roll call the vote was yeas 74-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Craddock, Crupper, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Mann, Marcum, Maynard, McBee, McKinney, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Wright. Nays 6-W. Allen, Hancock, Holbrook, Layman, McNutt, Tobin.

SCR 52 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SCR 52** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 102, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage.

Representative Deskins moved the adoption of the following Floor Amendment No. 1 to **SB 102:**

Amend printed copy of **SB 102,** page 31, after line 15, by adding the following:

"SECTION 19. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:

It shall be unlawful to buy or sell green hides, raw furs, or pelts of a red fox.

Section 20. KRS 150.990 is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the commissioner thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the commission hereunder, for which no definite fine or imprisonment is fixed, shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(3) Any person who violates any of the provisions of subsection (3) of KRS 150.090, subsections (1) and (2) of KRS 150.180, KRS 150.300, KRS 150.330, subsection (2) of KRS 150.360, KRS 150.485 or KRS 150.600 shall be fined not less than twenty-five ($25.00) nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months, or both.

(4) Any person who violates any of the provisions of KRS 150.460 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned for not more than six (6) months, or both, and in addition to such penalties shall be liable to the department in an amount reasonably necessary to restock such fish or replenish such other wildlife which has been killed or destroyed.

(5) Any licensee who violates any provisions of this chapter or any regulations adopted by the commissioner thereunder shall, in addition to the penalties provided in subsections (2), (3) and (4) of this section, forfeit his license and shall not be permitted to purchase another license for the same calendar year.

(6) Any county court clerk or deputy who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190 shall be fined not less than one hundred dollars ($100) nor

more than five hundred dollars ($500).

(7) Any person who violates any provisions of KRS 150.390 shall be fined not less than one hundred dollars ($100), nor more than five hundred dollars ($500).

(8) Any person who violates KRS 150.525 shall be fined not less than twenty-five dollars ($25.00), nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months, or both.

(9) Any person who violates any regulation which has been or may be hereafter adopted by the commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

(10) Any person violating the provisions of subsection (1) of KRS 150.670, shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(11) Any nonresident who violates KRS 150.235, subsection (3), shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200).

(12) No fines, penalty, or judgment assessed or rendered under this chapter shall be suspended, reduced or remitted otherwise than expressly provided by law.

(13) Any person who violates any provision of KRS 150.183 shall be fined not less than one hundred dollars nor more than five hundred dollars for each violation.

(14) Any person who violates Section 19 of this Act shall be fined not less than fifty dollars ($50) nor more than two hundred dollars ($200) or imprisoned for more than thirty (30) days, or both."

Agreed.

Representative Crupper moved the adoption of the following Floor Amendment No. 4 to **SB 102:**

Amend printed copy of **SB 102,** page 2, line 12, by deleting the following words: "*no more than eighteen (18) inches*"

and on line 13, by deleting "*in length*"

Agreed.

Representative B. Richardson moved that **SB 102,** as amended, be passed.

On the roll call the vote was yeas 62-J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guenthner, Hancock, Imes, Isler, Jones, Kenton, Kleier, Layman, LeMaster, Little, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Overstreet, Patrick, Petty, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Stewart, Stone, Thomas, Van Horn, Weinberg, Wilborn, Yates. Nays 17-Adams, Blandford, Boswell, Cyrus, Foster, Guy, Haering, Head, Holbrook, Lindsay, List, McNutt, Pearman, Riner, Tobin, Worthington, Wright.

SB 102, as amended, was passed and the title agreed to.

Representative Deskins moved that the vote by which **SB 102,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 49 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77-Adams, J. Allen, Bendl, Benson, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, Overstreet, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, White, Williams, Worthington, Wright. Nays 0.

HCR 49 was passed and the title agreed to.

Representative Jones moved that the vote by which **HCR 49** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 85, with Committee Title Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83-Adams, J. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Isler, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright. Nays 2-W. Allen, Imes.

HCR 85 was adopted.

Representative B. Richardson moved the adoption of the Committee Title Amendment to **HCR 85.** Agreed.

HCR 110 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **HCR 110** be passed.

On the roll call the vote was yeas 79-Adams, J. Allen, Bendl, Bennett, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HCR 110 was adopted and the title agreed to.

Representative Kleier moved that the vote by which **HCR 110** was adopted be reconsidered and said motion be postponed indefinitiely. Agreed.

SB 16 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 59-J. Allen, W. Allen, Arnold, Bendl, Beshear, Blandford, Boswell, Brown, Burch, Burnette, Craddock, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Kenton, Kidd, Kleier, Lindsay, Little, Marcum, May, Maynard, McBee, McNutt, Noe, O'Brien, Overstreet, Patrick, Petty, Richards, B. Richardson, P. Richardson, Riner, Sale, F. Smith, R. Smith, Stone, Tobin, Trevey, Van Horn, Wells, White, Williams, Wright, Yates. Nays 10-Adams, Crupper, Davenport, Guy, Layman, Pearman, Priddy, Stewart, Turner, Wilborn.

SB 16 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 16** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 93, HB 362, HB 363, HB 377, HB 626, SB 293, SB 335, SR 19, SR 34, SR 42, SB 259, SB 337,** and **SB 331** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 93, HB 362, HB 363, HB 377, HB 626 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

SB 222, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected,

Representative Imes moved that the vote on Committee Amendment No. 1 to **SB 222** be reconsidered.

On the roll call the vote was yeas 25-Adams, J. Allen, Bendl, Bennett, Clarke, Craddock, Cyrus, Donnermeyer, Foster, Gray, Guy, Hancock, Imes, Isler, Kenton, LeMaster, List, McBee, Petty, Richards, Thomas, Tobin, Turner, Van Horn, Wright. Nays 11-W. Allen, Burnette, Davenport, DeMarcus, Fitzgerald, Holbrook, Marcum, Patrick, Riner, Robinson, Stone.

The motion that the vote be reconsidered on Committee Amendment No. 1 to **SB 222** was adopted.

Speaker Pro Tempore presiding.

Representative Imes moved the adoption of the following Floor Amendment No. 4 to **SB 222:**

Amend printed copy of **SB 222,** page 10, line 24, by deleting the [in front of "in" and by placing [in front of "$10.00" and by inserting before [$10.00] the number *$20.00*

The Chair was asked to rule on the constitutionality of Floor Amendment No. 4 to **SB 222.**

The Chair ruled the Floor Amendment No. 4 was constitutional.

Representative Overstreet and Guenthner appealed the ruling of the Chair.

The Speaker presiding.

On the roll call the vote was yeas 48-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Boswell, Bruce, Burch, Carpenter, Clapp, Craddock, Cyrus, Davenport, Dietz, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Imes, Isler, Kenton, Kleier, List, Mann, May, McBee, Morris, Noe, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, F. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, Wells, Williams, Wright. Nays 21-W. Allen, Burnette, Dawahare, DeFalasie, DeMarcus, Geunthner, Haering, Holbrook, Holloway, Johnson, Layman, Marcum, Maynard, McKinney, McNutt, Overstreet, Patrick, Pearman, Petty, Rattliff, Schmidt.

The ruling of the Chair was upheld.

Speaker Pro Tempore presiding.

Representative Imes moved the adoption of the Floor Amendment No. 4 to **SB 222.** Agreed.

Representative Craddock moved the adoption of the following Floor Amendment No. 1 to **SB 222:**

Amend printed copy of **SB 222,** page 11, after line 4 by deleting the following:

"Section 7. There is appropriated out of the general fund to the department of transportation one hundred twenty-five thousand dollars ($125,000) for fiscal year 1978-1979 and one hundred twenty-five thousand dollars ($125,000) for fiscal year 1979-1980 for the purpose of enforcing the provisions of KRS 190.010 to 190.080."

Agreed.

Representative Clarke moved the adoption of the following Floor Amendment No. 2 to **SB 222:**

Amend printed copy of **SB 222,** page 11, after line 4, by adding the following:

Section 7. KRS 322.100 is amended to read as follows:

The license fee for engineers or land surveyors shall not exceed *seventy-five* [fifty] dollars *($75).* Of this amount, a sum not exceeding *fifty* [forty] dollars *($40)* shall accompany the application, the remainder to be paid at the time or times determined by the board. If the board refuses to issue a license to any applicant the initial fee deposited shall be retained as an application fee. [The annual renewal fee shall not exceed ten dollars.]

Section 8. KRS 322.120 is amended to read as follows:

The board may, upon application and payment of a fee not exceeding *seventy-five* [thirty-five] dollars *($75),* issue a license to any person who holds a certificate of qualification or registration issued to him by proper authority of the National Council of Engineering Examiners, the National Engineering Certification Committee or any state of the United States or any country, if the requirements under which the certificate of qualification or registration was issued do not conflict with this chapter and are of a standard not lower than those provided in KRS 322.040. [The annual renewal fee shall not exceed ten dollars.]

(2) The board may make all regulations governing the matter of reciprocity with other states and countries.

Section 9. KRS 322.160 is amended to read as follows:

(1) The secretary-treasurer of the board shall notify every licensee of the date of the expiration of his license and the amount of the fee required for its renewal for one (1) year. Such notice shall be mailed at least one (1) month in advance of the expiration date. Renewals may be effected at any time during June by the payment of a fee not exceeding *twenty* [ten] dollars *($20)* [($10.00)]. The failure of any licensee to renew his license annually in June shall not deprive him of the right of renewal, but the fee to be paid for the renewal of a license after June shall be increased ten per cent (10%) for each month or fraction of a month that payment of renewal is delayed. But the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. Any person who fails to renew his license within one (1) year after expiration shall furnish the board with satisfactory evidence that he is of good character and reputation and has continued to uphold the ethics of the profession.

(2) All persons who are required to pay renewal fees to the board [as licensed engineers] shall not be required to pay such fees during the time such persons are actively serving in the armed forces of the United States. Any person who has previously paid any renewal fee covering a period during which he was actively serving in the armed forces of the United States shall, upon filing with the board a copy of his discharge, be granted a renewal license without the payment of any fee. The free renewal shall be for as many license years as were served by the licensee in the armed forces and which were covered in whole or in part by the previous payment of a renewal fee.

Section 10. KRS 322.420 is amended to read as follows:

(1) All applications for licensing and registration as a land surveyor shall be made upon forms to be

provided by the board and shall be signed and sworn to by the applicant. In addition to such other information as the board may require, all applications shall contain a statement of the applicant's educational attainments and record of experience. References shall be furnished therein to not less than five persons possessing direct personal knowledge of the experience and work done by the applicant, at least three of whom shall be registered land surveyors. Applications shall be filed with the secretary to the board and shall be accompanied by an application fee, to be fixed by the board, in an amount not to exceed *($75)* [$50]. In the event that the board shall, for good cause, deny the application, the fee accompanying the same shall be retained by the board to cover the cost of investigating and processing the same.

(2) [Licenses for land surveyors shall expire on the last day of June of each year. All certificates shall be renewed upon the payment to the board, not to exceed the sum of $10. Any person previously licensed who shall fail to obtain a renewal of his license on or prior to July 1st shall be automatically suspended from the further practice of land surveying. Any licensed land surveyor whose license has expired or who has been suspended from the practice by action of the board may be reinstated upon such conditions as the board may by regulation prescribe, including the payment of such additional fees as may be provided in such regulations.

(3)] All fees paid to and collected by the board under the provisions of this section shall be deposited in a depository designated by the board and disbursed only at the direction of the board. The officer or employe of the board who shall be designated to collect and disburse the funds represented by such fees shall be required to execute a bond, with corporate surety, in an amount to be determined by the board and reasonably calculated to cover the aggregate of such fees for a period of one year.

Agreed.

Representative Imes moved that **SB 222,** as amended, be passed.

On the roll call the vote was yeas 56-Adams, Arnold, Bendl, Beshear, Blandford, Boswell, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Hancock, Head, Hines, Holloway, Imes, Isler, Kenton, Kidd, Kleier, LeMaster, Mann, McNutt, Morris, Nett, Noe, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, Stewart, Thomas, Tobin, Trevey, Wells, Wilborn, Williams, Wright, Yates. Nays 30-J. Allen, W. Allen. Bennett, Benson, Boatwright, Brinkley, Burnette, Crupper, Dawahare, DeFalaise, DeMarcus, Haering, Holbrook, Layman, Lindsay, Little, Marcum, Maynard, McKinney, Overstreet, Patrick, Riner, Robinson, Schmidt, R. Smith, Stone, Turner, Van Horn, Weinberg, White.

SB 222, as amended, was passed and the title agreed to.

Representative Imes moved that the vote by which **SB 222,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Weinberg moved that the rules be suspended for the purpose of acting on a Legislative Citation. Agreed.

Representative Weinberg moved the adoption of the following Legislative Citation No. 33:

The House of Representatives hereby congratulates the students of Knott County High School who won second place in the Nationwide Traffic Safety Essay Contest Kentucky 80. The contest was sponsored by the Kemper Insurance Company. This research project, Hazard to Watergap: "The Price of Progress" is a creditable and comprehensive study with statistical data and analytical findings examining the need for completion of new Kentucky Highway 80. These students showed rare vision in looking at the sacrifices which many people must make in the initiation of any such large road project. We applaud them for their fortitude, vision and in-depth study. (Sponsored by Representative Weinberg)

Agreed.

SB 288 taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved that **SB 288** be passed.

On the roll call the vote was yeas 85-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boswell, Brown, Bruce, Burch, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

SB 288 was passed and the title agreed to.

Representative Wells moved that the vote by which **SB 288** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 22 taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the following Floor Amendment No. 2 to **SB 22:**

Amend printed copy of **SB 22,** page 1, after line 20, by adding the following new sections:

"Section . KRS 161.030 is amended to read as follows:

(1) The certification of all teachers and other school personnel is vested in the State Board of Education. All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the published rules and regulations of the State Board of Education through the Superintendent of Public Instruction. In the case of non-tax supported schools, standards for teacher certification shall provide for the certification without further educational requirements, of any administrator, supervisor, or teacher who has attended, and received a bachelor's degree from, a college or university accredited by a national or regional association in the United States, or who, at the discretion of the State Board of Education, has the equivalent degree from a foreign college or university of comparable standing.

(2) Certificates shall be issued to persons who have completed, at such colleges and universities as have been approved by the State Board of Education for the preparation of teachers and other school personnel, the curricula prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education for the certificates. *Standards for teacher certification in tax supported schools shall provide for renewal of teacher certificates without further education requirements beyond the bacheolor's degree.*

(3) The State Board of Education shall approve the curricula of any standard college or university, or of any department thereof for the training of teachers, when the curricula comply with the rules and regulations of the State Board of Education and are equivalent to any or all the curricula prescribed for the state institutions for the issuance of certificates to students of the state institutions, and when the institution has otherwise met the terms and conditions provided in KRS 161.010 to 161.120. Any student of such institution who has completed any of these curricula or the equivalent thereof, as approved by the State Board of Education, and who in addition thereto has completed the prescribed requirements for the issuance of certificates for teaching to students of the state institutions may, by the State Board of Education, be granted a certificate for teaching of the same validity and tenure as certificates issued to students completing like requirements in the state institutions.

On the roll call the vote was yeas 57-J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitgerald, Gray, Guenthner, Head, Holbrook, Holloway, Imes, Isler, Johnson, Kidd, Layman, LeMaster, Little, Mann, McBee, McKinney, Morris, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, B. Richardson, Riner, Robinson, Romines, F. Smith, Stone, Thomas, Tobin, Van Horn, Wells, White, Yates. Nays 32-Adams, W. Allen, Beshear, Blythe, Brown, Burnette, Carpenter, Craddock, DeFalaise, Guy, Haering, Hancock, Hines, Hurst, Kleier Lindsay, List, Marcum, May, McNutt, Richards, P. Richardson, Sale, Schmidt, Siemens, R. Smith, Stewart, Trevey, Turner, Wilborn, Williams, Wright.

Floor Amendment No. 2 to **SB 22** was adopted.

Representative Richards moved the adoption of the following Floor Amendment No. 1 to **SB 22:**

Amend printed copy of **SB 22,** page 1, after line 20 by adding the following:

"Section 2. KRS 161.159 is amended to read as follows:

The state board of education, upon the recommendation of the superintendent of public instruction, shall adopt rules and regulations to implement the state life insurance program provided for employes of the common schools subject to the following standards:

(1) The life insurance program shall cover *all* [both certified and non-certified] common school personnel.

(2) The life insurance program shall be made available to all regular full-time personnel as defined by the state board of education regulations."

Agreed.

Representative Richards moved that **SB 22,** as amended, be passed.

On the roll call the vote was yeas 84-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Wells, White, Wilborn, Wright, Yates. Nays 0.

SB 22, as amended, was passed and the title agreed to.

Representative Wells moved that the vote by which **SB 22,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 48 taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Boswell moved that **SB 48** be passed.

On the roll call the vote was yeas 72-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Hancock, Head, Hines, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Mann, Maynard, McBee, McNutt, Morris, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, White, Wilborn, Williams, Yates. Nays 9-W. Allen, Davenport, DeMarcus, Haering, Holbrook, Layman, Marcum, Patrick, Wright.

SB 48 was passed and the title agreed to.

Representative Boswell moved that the vote by which **SB 48** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 261 taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stone moved the adoption of the following Floor Amendment No. 1 to **SB 261:**

Amend printed copy of **SB 261,** page 61, after line 6, by adding the following:

"SECTION 53. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Upon application to the county clerk of the county of his residence, a member of all volunteer fire departments in the Commonwealth shall be issued a license plate in the same form and character as license plates authorized by law to be used upon similar private vehicles registered in Kentucky, except that such license plates shall bear the inscription "Volunteer Fireman," a registration number and an appropriate standardized logo. Each application shall be accompanied by proof of current service as a volunteer fireman as furnished by the mayor or trustee in such a city or the county judge/executive in appropriate rural areas, and the payment of a one-time fee of twenty-five dollars ($25). Annually thereafter, upon application to the county clerk of the county of his residence, together with proof of current service as a volunteer fireman, and without payment of a registration fee, the clerk shall issue a current year tag to the applicant to be affixed to the volunteer fireman license plate originally issued to the applicant.

(2) Upon the sale or transfer of a vehicle licensed as authorized by subsection (1) of this section, the owner shall remove the volunteer fireman license plate and return it to the county clerk who shall reissue it for use on any other vehicle of the same class and category owned by the same applicant to whom the volunteer fireman license plate was originally issued.

(3) Upon termination of membership as a volunteer fireman, an applicant to whom a volunteer fireman license plate was issued under this section, shall, within thirty (30) days, return the volunteer fireman plate to the county clerk of the county of his residence.

(4) For the services performed in issuing the volunteer fireman license plates, in annually issuing a current year tag tobe affixed to the volunteer fireman license plate, the county clerk shall receive from each applicant a fee of one dollar ($1). A like fee shall be charged for the resissuance of such license plate after the sale or transfer of the vehicle for which it was originally issued.

(5) The commissioner of the department of transportation shall provide such forms as may be necessary to carry out the purpose of this section.

Section 54. KRS 186.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.045 (5), 186.050, 186.056, 186.060, 186.070, 186.110, 186.130, 186.140, 186.150, 186.160, 186.170, 186.180, 186.210, 186.230, or 186.655 to 186.680 shall be fined not less than $10.00 nor more than $100 for each offense.

(2) Any person who violates any of the provisions of KRS 138.465, 186.190, or 186.200 shall be fined not less than $10.00 nor more than $2,000 or imprisoned for not more than one (1) year, or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than $2.00 nor more than $500 or imprisoned for not more than six (6) months, or both.

(4) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of $100 which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the department.

(5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(6) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one (1) nor more than five (5) years. Displaying a canceled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

(7) Any person who makes a false affidavit to secure a license plate under Section 1 of this Act shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned for a period of six (6) months."

Agreed.

Representative Stone moved that **SB 261,** as amended, be passed.

On the roll call the vote was yeas 76-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Clarke, Crupper, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kleier, Layman, LeMaster, Lindsay, List, Little, Marcum, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, White, Wilborn, Williams, Wright, Yates. Nays 0.

SB 261, as amended, was passed and the title agreed to.

Representative Stone moved that the vote by which **SB 261,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 289, with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Wells moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Substitute to **SB 289.** Agreed.

Representative Richards moved the adoption of the Committee Amendment No. 1 to the Committee Substitute to **SB 289.** Agreed.

Representative Richards moved that **SB 289,** by way of Committee Substitute as amended, be passed.

Representative Gray moved the adoption of the following Floor Amendment No. 7 to **SB 289:**

Amend printed copy of Committee Substitute for **SB 289,** page 181, line 16 through page 203 , line 5, by deleting Sections 132 through 148 in their entirety and by renumbering subsequent sections accordingly.

On the roll call the vote was yeas 42-J. Allen, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Haering, Holbrook, Isler, Johnson, Jones, Kleier, LeMaster, List, Little, Marcum, McKinney, Pearman, Petty, Priddy, Riner, Romines, Schmidt, Siemens, F. Smith, Thomas, Turner, Van Horn, White, Wilborn, Williams, Wright, Yates. Nays 47-Adams, W. Allen, Arnold, Bendl, Benson, Blythe, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Foster, Guenthner, Guy, Hancock, Head, Hines, Holloway, Imes, Kenton, Kidd, Layman, May, Maynard, McBee, McNutt, Morris, Noe, O'Brien, Overstreet, Patrick, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Sale, R. Smith, Stone, Tobin, Trevey, Wells.

Floor Amendment No. 7 to **SB 289** was rejected.

On the roll call the vote was yeas 35-Bendl, Blythe, Brinkley, Carpenter, Clapp, Craddock, Dietz, Donnermeyer, Dunn, Foster, Guy, Hancock, Hines, Imes, Kenton, Kidd, LeMaster, Mann, May, McNutt, Noe, O'Brien, Petty, Richards, B. Richardson, P. Richardson, F. Smith, Stone, Thomas, Turner, Weinberg, Wells, Williams, Worthington, Yates. Nays 58-Adams, J. Allen, W. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Fitzgerald, Gray, Guenthner, Haering, Head, Holbrook, Holloway, Hurst, Johnson, Jones, Layman, Lindsay, List, Little, Maynard, McBee, McKinney, Morris, Nett, Overstreet, Patrick, Pearman, Priddy, Rattliff, Riner, Robinson, Sale, Schmidt, Siemens, R. Smith, Tobin, Trevey, Van Horn, White, Wilborn, Wright.

SB 289, by way of Committee Substitute as amended, was defeated.

Representative B. Richardson moved that the vote by which **SB 289,** by way of Committee Substitute as amended, was defeated be reconsidered and said motion be postponed indefinitely. Agreed.

SB 223, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the adoption of the following Floor Amendment No. 2 to **SB 223:**

Amend printed copy of **SB 223,** page 2, line 21, by inserting after the word "class" the phrase "or urban county government"

Agreed.

Representative Beshear moved that **SB 223,** as amended, be passed.

On the roll call the vote was yeas 67-Adams, J. Allen, Arnold, Bennett, Beshear, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Guy, Head, Hines, Hurst, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Petty, Richards, B. Richardson, P. Richardson, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Wortington, Yates. Nays 19-W. Allen, Burnette, DeMarcus, Gray, Guenthner, Haering, Hancock, Holbrook, Holloway, Imes, Layman, Overstreet, Patrick, Pearman, Priddy, Rattliff, Riner, Romines, Wright.

SB 223, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 223,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker assumed the Chair.

SB 72 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 72:**

Amend printed copy of **SB 72,** page 9, line 22, by deleting "*money*", and inserting in lieu thereof: "*fines*".

Agreed.

Representative B. Richardson moved that **SB 72,** as amended, be passed.

Representative Cyrus moved the adoption of the following Floor Amendment No. 2 to **SB 72:**

Amend printed copy of **SB 72,** page 12, after line 3, by adding the following:

SECTION 9. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

Amygdalin (laetrile) is not a drug or a controlled substance under Kentucky statutes governing the use, manufacture, or distribution of drugs and controlled substances within the state. A physician may prescribe amygdalin (laetrile) pursuant to this Act if the patient so requests on a written informed request form.

SECTION 10. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

Amygdalin (laetrile) shall only be available to a patient by prescription from his doctor and only after the patient affirms his desire for treatment using this substance by signing a written informed request form.

SECTION 11. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act requires any physician, pharmacist, pharmacy, or manufacturer or distributor to manufacture, sell or distribute amygdalin (laetrile), and nothing in this Act requires any physician to prescribe amygdalin (laetrile) for any patient.

SECTION 12. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

A physician may prescribe or administer amygdalin (laetrile) in lieu of or on addition to customary or accepted modes of therapy in the treatment of any malignancy, disease, illness or physical condition of a patient who has signed a written informed request.

SECTION 13. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

"Written informed request" is a form which shall be prepared and distributed by the state board of medical licensure and shall be in substance as follows:

WRITTEN INFORMED REQUEST FOR PRESCRIPTION OF AMYGDALIN (LAETRILE) FOR MEDICAL TREATMENT AND RELEASE OF PHYSICIAN FROM LIABILITY

Patient Name..

Address ....

Age..............Sex ....

Name and Address of prescribing physician: ....

... Malignancy, disease, illness or physical condition diagnosed for medical treatment by amygdalin (laetrile) or its use as a dietary supplement:

....

....

My physician has explained to me:

(a) That the manufacture and distribution of amygdaline (laetrile) has been banned by the Federal Food and Drug Administration.

(b) That neither the American Cancer Society, the American Medical Association, nor the Kentucky Medical Association recommend use of amygdalin (laetrile) in the treatment of any malignancy, disease, illness or physical condition.

(c) That there are alternative recognized treatments for the malignancy, disease, illness or physical condition from which I suffer which he has offered to provide for me including: (here describe)...

....

That notwithstanding the foregoing, I hereby request prescription and use of amygdalin (laetrile) (a) in the medical treatment of the malignancy, disease, illness or physical condition from which I suffer [ ], or (b) as a dietary supplement [ ] (check (a) or (b)).

I hereby release the physician from any and all liability due to any deleterious consequences that may be directly attributable to the use of amygdalin (laetrile).

....
Patient or person signing for patient

ATTEST:

....

Prescribing physician

SECTION 14. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

A copy of each executed written informed request shall be forwarded by the physician within three (3) days of execution to the state board of health for filing.

SECTION 15. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

(1) Amygadlin (laetrile) may be manufactured in this state subject to licensing and regulation by the Department for Human Resources. The secretary of the department shall adopt regulations which prescribe minimum standards for manufacturers in preparing, compounding, processing, and packaging the substance. The secretary shall establish standards of purity and shall make periodic tests and inspections of both the facilities for manufacture and samples of the substance to ascertain the purity, quality and identity of the substance and to determine that the substance meets the standards so established.

(2) The Department for Human Resources shall make no rule or regulation which would prohibit the use of anygdalin (laetrile) in any hospital, ambulatory out-patient surgical center or health care facility licensed by it.

SECTION 16. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

Amygdalin (laetrile) manufactured in this state shall not be sold in interstate commerce. Violation of this prohibition is cause for immediate revocation of the license to manufacture, sell, or distribute amygdalin (laetrile). This does not preclude other legal action permitted under state and federal criminal statutes.

SECTION 17. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) A physician shall not be subjected to disciplinary action by the state board of health for prescribing or administering amygdalin (laetrile) to a patient under his care as an adjunct to recognized customary or accepted modes of therapy in the treatment of any malignancy, disease, illness or physical condition, when the patient has signed a written informed request form.

(2) A physician shall not be held liable for malpractice or negligence if it is determined that a patient died from lack of customary or accepted modes of therapy, including but not limited to surgery, chemotheraphy, and radiation, when the patient elected to use amygdalin (laetrile) as the sole treatment and signed a written informed request form for this substance.

(3) A physician shall not be held liable for malpractice or negligence if it is determined that a patient's medical condition deteriorated from lack of customary or accepted modes of therapy including but not limited to surgery, chemotheraphy, and radiation; when the patient elected to use amygdalin (laetrile) as the sole treatment and signed a written informed request form for this substance.

SECTION 18. A NEW SECTION OF KRS CHAPTER 315 IS CREATED TO READ AS FOLLOWS:

The Kentucky board of pharmacy shall make no rule or regulation which would prohibit the sale and dispensing of amygdalin (laetrile) by a duly licensed pharmacist.

SECTION 19. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) When amygdalin (laetrile) is prescribed or administered by a physician holding a regular license for

the practice of medicine in the state of Kentucky and the patient has signed a written informed request form, except as provided in subsection (2) of this section, a hospital or other health care facility shall not restrict or forbid the use of amygdalin (laetrile) in the treatment of any malignancy, disease, illness or physical condition.

(2) If the federal government states that it will withdraw all federal funds from a health care facility for allowing amygdalin (laetrile) to be used within the facility, and if providing or allowing its use within the facility would jeopardize the receipt o federal funds for reimbursement for medicine or medicaid for all persons within the facility, or any construction funds provided by the federal government under the Hill-Burton hospital construction program or under Title XVI of the Public Health Services Act, the hospital or other health care facility may, notwithstanding the provisions of subsection (1) of this section, prohibit the use of amygdalin (laetrile) within its facility.

SECTION 20. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall be constructed as constituting an endorsement of amygdalin (laetrile) for the treatment of any malignancy, disease, illness, or physical condition, and nothing in this Act shall be construed as preventing a physician from prescribing amygdalin (laetrile) as a dietary supplement to a patient not suffering from any known malignancy, disease, illness, or physical condition upon execution of said written informed request.

SECTION 21. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

Any person who manufactures, distributes, sells, or prescribes amygdalin (laetrile) in violation of the standards established by the secretary of the Department for Human Resources shall be punished by a fine of not less than five hundred dollars ($500) and not more than two thousand dollars ($2,000), or by imprisonment in the county jail for a period not to exceed six (6) months, or both. Each day of violation shall constitute a separate offense.

SECTION 22. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

Nothing herein shall be interpreted as an attempt to relieve physicians of liability for negligence or malpractice in the treatment of their patients under the standards established by KRS 311.595.

The Chair ruled Floor Amendment No. 2 to **SB 72** not germane.

Representatives McBee, Fitzgerald, Holbrook and Cyrus appealed the ruling of the Chair.

Speaker Pro Tempore Clapp presiding.

On the roll call the vote was yeas 27-Adams, Arnold, Bendl, Beshear, Blandford, Blythe, Bruce, Clapp, Craddock, Crupper, Foster, Hancock, Imes, Kenton, Kleier, Mann, May, Maynard, Morris, O'Brien, Richards, B. Richardson, P. Richardson, R. Smith, Tobin, Trevey, Wells. Nays 50-W. Allen, Bennett, Boatwright, Boswell, Brown, Burch, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Dunn, Fitzgerald, Gray, Guy, Haering, Head, Holbrook, Isler, Jones, Layman, Lindsay, List, Little, Marcum, McBee, McKinney, Nett, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Riner, Robinson, Romines, Schmidt, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, White, Wright, Yates.

The ruling of the Chair was overruled.

Speaker Kenton presiding.

On the roll call the vote was yeas 77-Adams, J. Allen, W. Allen, Arnold, Bennett, Benson, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Dunn, Fitzgerald, Gray, Guy, Haering, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kenton, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Wright. Nays 7-Bendl, Beshear, Blythe, Hancock, Maynard, Siemens, Trevey.

Floor Amendment No. 2 to **SB 72** was adopted.

Representative B. Richardson moved that **SB 72,** as amended, be passed.

On the roll call the vote was yeas 78-Adams, J. Allen, W. Allen, Arnold, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Haering, Head, Hines, Holbrook, Holloway, Imes, Isler, Kenton, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, Wilborn, Wright, Yates. Nays 8-Bendl, Beshear, Hancock, Johnson, Maynard, Siemens, Tobin, Trevey.

SB 72, as amended, was passed.

Representative Cyrus moved the adoption of the following Floor Title Amendment to **SB 72:**

Amend printed copy of **SB 72,** page 1, to read as follows:

"AN ACT relating to medical care."

Agreed.

Representative Cyrus moved that the vote by which **SB 72,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **HB 352** with Amendments, **HB 304** with Amendments, HB 152 with Amendments, **HB 599** with Amendment, **HB 616** with Committee Substitute, **HB 9, HB 122, HB 157, HB 179, HB 229, HB 253, HB 602, HB 609, HB 621, HB 625, HB 627, HB 665, HB 693, HR 7**, and **HR 56.**

Recess

Representative B. Richardson moved that the House recess for fifteen minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

SB 206 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **SB 206** be passed.

On the roll call the vote was yeas 84-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 4-W. Allen, Dawahare, Pearman, Weinberg.

SB 206 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 206** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 224, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the passage of the Committee Substitute to **SB 224.** Agreed.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to the Committee Substitute to **SB 224.** Agreed.

Representative B. Richardson moved that **SB 224,** by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 76-Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Head, Holbrook, Hurst, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 9-J. Allen, W. Allen Brown, Burnette, Dawahare, Hancock, Imes, Little, Pearman.

SB 224, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 221,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 226, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by tilte only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute to **SB 226.** Agreed.

Representative B. Richardson moved that **SB 225,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 59-Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clarke, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Gray, Guenthner, Guy, Haering, Hancock, Head, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, List, May, Maynard, McBee, Nett, Noe, O'Brien, Pearman, Petty, Priddy, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, R. Smith, Stewart, Stone, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Worthington, Yates. Nays 24-Adams, J. Allen, W. Allen, Boatwright, Brown, Craddock, Crupper, Fitzgerald, Foster, Holbrook, Holloway, Hurst, Imes, Layman, Lindsay, Little, Mann, Marcum, McNutt, Overstreet, Plummer, Riner, Schmidt, Tobin.

SB 226, by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 226,** by way of Committee Substitute, was passed by reconsidered and said motion be postponed indefinitely. Agreed.

SB 245, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative F. Smith moved that **SB 245** be passed as previously amended.

On the roll call the vote was yeas 75-Adams, J. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burch, Carpenter, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, Nett, Noe, O'Brien, Overstreet, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Williams, Worthington, Wright, Yates. Nays 9-W. Allen, Beshear, Dawahare, Layman, McNutt, Pearman, Plummer, Tobin, Wilborn.

SB 245, as amended, was passed and the title agreed to.

Representative Dunn moved that the vote by which **SB 245,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **SB 174,** as amended, be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

SB 174, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Arnold moved that the rules be suspended to consider Floor Amendments filed today. Agreed.

Representative Arnold moved that Floor Amendment No. 1 to **SB 174** be reconsidered. Agreed.

Representative Arnold moved the adoption of the following Floor Amendment No. 8 to **SB 174:**

Amend printed copy of **SB 174,** page 6, line 5, by inserting after the words "*industrial wastes,*" the words "*residential wastes,*".

Agreed.

Representative Arnold moved the adoption of the following Floor Amendment No. 7 to **SB 174:**

Amend printed copy of **SB 174,** page 16, following line 13, by inserting the following:

"Section 8. KRS 224.850 is amended to read as follows:

(1) For purposes of KRS 224.850 and 224.852 only, "pollution control facility" shall mean and include:

(a) Any property designed, constructed, or installed as a component part of any commercial or industrial premises for the primary purpose of eliminating or reducing the emission of, or ground level concentration of, particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substances, or any combination thereof which renders air harmful or inimical to the health of persons or to property within this commonwealth;

(b) Any disposal system or any treatment works, pre-treatment works, appliance, equipment, machinery, or installation constructed, used, or placed in operation primarily for the purpose of reducing, controlling, or eliminating thermal pollution or water pollution caused by industrial waste, or what would be industrial waste, if discharged into the waters of the commonwealth;

(c) Any disposal system or any appliance, equipment, machinery or installation constructed, used or placed in operation primarily for disposing of solid waste or converting solid waste into an item of real economic value;

(d) Any property designed, constructed, or installed as a component part of any commercial or industrial premises for the primary purpose of eliminating or reducing the emission of sound which is harmful or inimical to the health of persons or to property, or materially reduces the quality of the environment in this commonwealth;

(e) Any property designed, constructed, or installed for the primary purpose of removing substances from raw materials, which substances, if permitted to become a component part of the finished product, would have a deleterious effect on the environment when the finished product was utilized.

(2) "Industrial waste" means any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present, which pollutes the waters of the commonwealth.

(3) "Solid waste" means *all putrescible and nonputrescible refuse in solid, semi-solid, liquid and contained gaseous form, but does not include sewage. Solid waste includes but is not limited to garbage,*

rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes, residential wastes, and special wastes including explosives, pathological and radioactive materials [any residue in a solid or semi-solid form resulting from any process of industry, manufacture, trade or business or from the development, processing, or recovery of any natural resource, which has insignificant economic value].

(4) "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, incinerator, or other works used for the purpose of treating, stabilizing, or holding sewage, industrial waste, or other wastes.

(5) "Water pollution" shall mean the placing of any noxious or deleterious substances in any waters of the commonwealth which render such waters harmful or inimical to aquatic life, or to the use of such waters for domestic water supply, or industrial or agricultural purposes or for recreation.

(6) "Waters of the commonwealth" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon, this commonwealth, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.

(7) "Department" shall mean the Kentucky department for natural resources and environmental protection.

(8) "Pollution control tax exemption certificate" shall mean that certificate issued by the department pursuant to KRS 224.852."

and on page 16, line 14, by deleting "8" and substituting therefor "9";

and on page 19, line 21, by deleting "9" and substituting therefor "10";

and on page 21, line 24, by deleting "10" and substituting therefor "11";

and on page 24, line 6, by deleting "11" and substituting therefor "12";

and on page 25, line 21, by deleting "12" and substituting therefor "13";

and on page 27, line 9, by deleting "13" and substituting therefore "14"

On the roll call the vote was yeas 42-Adams, W. Allen, Arnold, Bendl, Benson, Beshear, Blythe, Bruce, Clapp, Clarke, Craddock, Deskins, Dunn, Fitzgerald, Foster, Guy, Haering, Imes, Kenton, Kidd, Kleier, LeMaster, Little, May, Nett, Noe, B. Richardson, Sale, Schmidt, Siemens, F. Smith, Stewart, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Wright, Yates. Nays 24-Bennett, Burnette, Crupper, Cyrus, Davenport, Dawahare, Dietz, Donnermeyer, Gray, Guenthner, Head, Holbrook, Isler, Layman, Mann, Marcum, McBee, McNutt, Pearman, Petty, Rattliff, Riner, Stone, Tobin.

Floor Amendment No. 7 to **SB 174** was adopted.

Representative Blandford moved the adoption of the following Floor Amendment No. 4 to **SB 174:**

Amend printed copy of **SB 174,** page 27, after line 9, insert the following in its entirety.

SECTION 14. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

"Any regulation promulgated relating to hazardous and solid waste shall be no more stringent than federal requirements".

Agreed.

Representative Beshear moved the adoption of the following Floor Amendment No. 6 to **SB 174:**

Amend printed copy of **SB 174,** page 27, following line 8, by inserting the following:

"SECTION 13. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section "service charge" means any tax, fee or charge levied or established by a county or district for the purposes of solid waste management.

(2) Any person required to participate in a solid waste management system shall pay the required service charge.

(3) The county may collect service charges by adding said charges to the property tax bill of each person required to participate in the solid waste management system. Service charges added to property tax bills shall constitute a lien on the property.

(4) The county attorney shall collect all delinquent service charges in his county. Proceedings for the collection of delinquent service charges may be initiated in the appropriate circuit or district court including the small claims division of the district court pursuant to the rules of civil procedure. No filing fee shall be required in such actions.

(5) Judgments attained for delinquent service charges may be enforced in the same manner as any other money judgment except that no property shall be exempt from execution thereon."

On page 27, line 9, after the word "Section" by changing "13" to "14"

Rejected.

Representative Fitzgerald moved the adoption of the following Floor Amendment No. 9 to **SB 174:**

Amend printed copy of **SB 174,** page 27, after line 8, by adding the following:

"SECTION 13. A NEW SECTION OF KRS 109 IS CREATED TO READ AS FOLLOWS:

Any county or solid waste district may require the use of any solid waste management facility or other facility meeting the standards of the department under KRS Chapter 109 by all persons, firms and governmental entities situated within the geographical boundaries thereof; provided, however, that such mandatory use of any solid waste management facility shall not be applicable to any city situated within the geographical boundaries of any such county which owns and operates a municipal solid waste management facility, and which complies with the intent and purposes herein provided, other than a sanitary landfill upon the effective date of this Act."

and on page 27, line 9 by renumbering "Section 13" to read "Section 14".

Agreed.

Representative Arnold moved that **SB 174,** as amended, be passed.

On the roll call the vote was yeas 39-Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Blythe, Bruce, Burnette, Clarke, Craddock, Crupper, DeFalasie, Deskins, Foster, Guy, Hancock, Head, Hines, Imes, Kleier, LeMaster, Lindsay, List, May, McNutt, Nett, Noe, Patrick, Richards, B. Richardson, Sale, F. Smith, Thomas, Van Horn, Weinberg, Wells, Wilborn, Yates. Nays 37-W. Allen, Blandford, Boatwright, Boswell, Brown, Carpenter, Cyrus, Dietz, Gray, Haering, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Layman, Little, Marcum, Maynard, McBee, Pearman, Petty, Plummer, Priddy, Rattliff, P. Richardson, Riner, Robinson, Siemens, R. Smith, Stone, Tobin, Turner, White, Williams, Wright.

SB 174, as amended, was defeated.

SB 334 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68-Adams, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Hancock, Head, Hines, Holloway, Hurst, Isler, Johnson, Jones, Kidd, Kleier, LeMaster, Lindsay, List, Little, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Weinberg, Wells, White, Williams, Worthington, Wright, Yates. Nays 13-W. Allen, Clarke, Davenport, Haering, Holbrook, Imes, Layman, Marcum, Overstreet, Pearman, Plummer, Schmidt, Van Horn.

SB 334 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 334** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 290 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative W. Allen moved that **SB 290** be laid on the table.

On the roll call the vote was yeas 9-W. Allen, Burnette, DeMarcus, Guenthner, Head, Layman, Marcum, Robinson, Van Horn. Nays 50-Adams, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Carpenter, Clarke, Craddock, Crupper, DeFalaise, Deskins, Donnermeyer, Gray, Guy, Hancock, Hines, Isler, Johnson, Kenton, Kidd, Kleier, List, Mann, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Richards, Sale, Siemens, Stone, Thomas, Tobin, Turner, Weinberg, White, Wilborn, Williams, Yates.

The motion that **SB 290** be laid on the table was rejected.

Representative Kidd moved that **SB 290** be passed.

On the roll call the vote was yeas 70-Adams, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Brinkley, Burch, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Haering, Hancock, Hines, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington. Nays 18-J. Allen, W. Allen, Arnold, Blandford, Boswell, Burnette, Crupper, Guenthner, Head, Hurst, Marcum, Pearman, Plummer, Riner, Robinson, Stewart, Turner, Wright.

SB 290 was passed and the title agreed.

Representative Kidd moved that the vote by which **SB 290** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Consent Orders of the Day

SB 219, SB 32, and **SB 268** taken from Consent Orders of the Day and ordered read at length for the third time.

Representative B. Richardson moved the passage of **SB 32.**

On the roll call the vote was yeas 65-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burch, Carpenter, Clapp, Clarke, Crupper, Cyrus, Davenport, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Head, Holbrook, Holloway, Isler, Kenton, Kidd, Kleier, Little, Mann, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, White, Wright, Yates. Nays 0.

SB 32 was passed and the title agreed to.

Representative B. Richardson moved the passage of **SB 268.**

On the roll call the vote was yeas 79-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, May, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Wright, Yates. Nays 0.

SB 268 was passed and the title agreed to.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

Motions, Petitions and Communications

Representative White moved that he be recorded as voting "nay" on **SB 258.** Agreed.

Representative Gray moved that the vote on **SB 174** be reconsidered. Agreed.

Representative Bruce moved that the vote on **SB 289** be reconsidered. Agreed.

Representative B. Richardson moved the adoption of the following Legislative Citation No. 66:

The House of Representatives hereby commends Clovis Sadler, Director, and Staff of Radio Station WKAY of Glasgow, Kentucky for their high degree of excellence demonstrated in their comprehensive and consistent coverage of the 1978 Legislative Session. The proceedings were reported with factual data flavored with complete thoroughness and accuracy that utilized the direct approach of non-bias and non-partisan. The director and staff provided a great public service to the Citizens of the Commonwealth of Kentucky. This prestigious Body, the House of Representatives, is very proud of their dedicated services and extend to them our best wishes. (Sponsored by Representative B. Richardson)

Agreed.

Speaker Pro Tempore Clapp presiding.

Representative P. Richardson moved the adoption of the following Legislative Citation No. 58:

The House of Representatives hereby commends the Clark County Road Department and Linville Hillouby, Foreman. The Clark County Road Department operated street crews continuously during the weather crisis succeeding in the most adverse conditions in keeping both principal and secondary roads opon to thoroughfare traffic.Linville Hillouby performed admirably in his primary function as foreman of the departmental street crews. All members of the Department jointly and individually acted at all times with the best interests of the community foremost in their minds. Accordingly, this House expresses its deep appreciation. (Sponsored by Representative P. Richardson)

Agreed.

Representative P. Richardson moved the adoption of the following Legislative Citation No. 59:

The House of Representatives hereby commends the State Highway Department of Clark County Division, Frank D. Howard, Foreman. The State Highway Department operated street crews continuously during the weather crisis succeeding in the most adverse conditions in keeping both principal and secondary roads open to throughfare traffic. Frank D. Howard performed admirable in his primary function as foreman of the departmental street crews. All members of the Department jointly and individually acted at all times with the best interests of the community foremost in their minds. Accordingly, this House expresses its deep appreciation. (Sponsored by Representative P. Richardson)

Agreed.

Representative P. Richardson moved the adoption of the following Legislative Citation No. 60:

The House of Representatives hereby commends the Winchester City Street Department and Lieutenant Colonel Jack R. Catt. The Winchester City Street Department operated street crews continuously during the weather crisis succeeding in the most adverse conditions in keeping both principal and secondary roads open to thoroughfare traffic. Lieutenant Colonel Catt performed admirably in his primary function as foreman of the departmental street crews. All members of the Department jointly and individually acted at all times with the best interests of the community foremost in their minds. Accordingly, this House expresses its deep appreciation. (Sponsored by Representative P. Richardson)

Agreed.

Representative Schmidt moved the adoption of the following Legislative Citation No. 67:

The House of Representatives hereby congratulates Sister Catherine Mahady, President of St. Catherine College, Springfield, Kentucky and Roy Spry, Coach of the St. Catherine Patriots basketball team, and the members of the great fighting team for playing in the championship game of the NLCAA tournament in Norfolk, Nevada. They have brought great pride to the citizens of Washington County and tothe citizens of the Commonwealth of Kentucky. We honor them for their excellent performance and great dedication. This prestigious Body, the House of Representatives, extends very best wishes for their continued success. (Sponsored by Representative Schmidt)

Agreed.

Representative Hancock moved that the rules be suspended for a motion concerning co-sponsors of Bills and Resolutions. Agreed.

Representative Hancock moved that all properly filed requests to withdraw as sponsor or to be added as co-sponsor or to withdraw a bill be approved. Agreed.

Representative Patrick moved the adoption of the following Legislative Citation No. 18:

The House of Representatives hereby congratulates Mayor Fair Anna H. Creech of Harlan, Kentucky for her exceptional record. She was crowned Woman of Achievement for the year 1977 of the Business and Professional Woman's Club of Harlan. The first kindergarten in Harlan was held in her sun parlor on Mound Street. She has sponsored seventeen boys and girls in helping them to further their education. She was the forerunner of the Harlan City School Health Program. She has been in the rental and real estate business for thirty-two years. Mrs. Creech organized the Scout troops in Harlan County, and she was inspired by the granddaughter of the late President Garfield. Mayor Creech is an ardent participant in civil affairs; she has sponsored many beautification projects, she has served as Speaker at the Jaycee's Seminar for several years, and she is a member of the Chamber of Commerce. We honor Mayor Fair Anna H. Creech today for her great contributions and accomplishments. Her life of dedication is a great tribute to her. (Sponsored by Representative Patrick)

Agreed.

Representative Patrick moved the adoption of the following Legislative Citation No. 19:

The House of Representatives hereby congratulates Chester H. Wolfe of Middlesboro, Kentucky for his outstanding leadership and undaunted courage in meeting the needs of the Citizenry of Middlesboro. His deep concern for improving living conditions resulted in the initiation and implementation of several projects: construction of 300 housing units, eight industries, and a new industrial park. Mayor Wolfe served with distinction for six years as Chairman of the Cumberland Valley Area Development District. We applaud Mayor Wolfe for his great vision, humanitarian spirit and dedication. (Sponsored by Representative Patrick)

Agreed.

Representative Patrick moved the adoption of the following Legislative Citation No. 20:

The House of Representatives hereby congratulates Mayor Bob Madon for his meritorious services during the flood disaster April 1977 in Pineville, Kentucky. His fine leadership resulted in great team effort of all agencies, groups and citizens in alleviating suffering and meeting multiple needs. Approximately one-half million dollars of federal funds compensated for long hours and diligent work. We recognize Mayor Madon's leadership as President of the Chamber of Commerce, the Cumberland Valley Council and as former judge. We applaud him for his accomplishments and success. (Sponsored by Representative Patick)

Agreed.

Representative Patrick moved the adoption of the following Legislative Citation No. 21:

The House of Representatives hereby commends R. C. Miller, Mayor of Corbin, Kentucky for his laudable contribution and excellent leadership. We recognize his services on the religious, educational, civic and business levels. He has served as Superintendent of the Sunday School for 91/2 years. His educational stature includes 14 years on the Kentucky State Board of Education, teacher, superintendent and chairman of the local, state and national organizations. In business he is executor of the wholesale Texaco Products. We applaud him for his great accomplishments and dedication. (Sponsored by Representative Patick)

Agreed.

Representative Hancock filed the following withdrawal notice on **HJR 20:**

I, C. M. "Hank" Hancock, Representative of the 57th District, Franklin County, hereby move to withdraw House Joint Resolution 20, which I am the sole sponsor of, pursuant to Section 727 of Mason's Manual.

"So long as no rule is violated, a bill may be withdrawn, with the consent of the body, at anytime prior to passage."

Passage being defined as being the compliance with all the forms necessary to give force and effect to the legislation. A bill is not duly enacted until it has been voted on affirmatively by both Houses in its final form.

Therefore, I move that House Joint Resolution 20 shall hereby be withdrawn.

Representative Imes filed a request to be added as a co-sponsor of **HCR 50** and **HCR 99.**

Representative B. Richardson moved that the posting requirement be waived on **SCR 55.** Agreed.

Representative McNutt moved that the rules be suspended to act on **HR 129.** Agreed.

HR 129, A RESOLUTION

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. Rule 72 of the Rules of the House of Representatives is amended to read as follows:

Rule 72. Restrictions. No article, booklet, pamphlet or any other printed material shall be placed upon the desk of any member unless said article, booklet, pamphlet or other printed matter contains the signature of the author, or the party interested in the distribution thereof is clearly identified. All such articles, booklets, pamphlets or any other printed material shall conform to accepted public taste and shall contain no matter appealing to prurient interest or without redeeming social value. Such documents shall be delivered to the message room and shall upon direction of the Clerk after inspection, be placed in the members' bin. The Sergeant-at-Arms shall be charged with the duty of inspecting such material and seeing that no individual other than employes of the House under the direction of the Clerk or House members shall cause materials of any nature to be distributed in the House Chamber. Questions as to the propriety of such materials shall be referred to the Committee on Committees for resolution. Any material found so distributed by unauthorized individuals shall be collected from the members' desks and treated as litter.

Representative McNutt moved the adoption of the following Floor Amendment No. 1 to **HR 129:**

Amend printed copy of **HR 129,** on page 1, line 5, after the word "member" insert the words "or gallery" on page 2, line 3, after the word "desks" insert the words "and the gallery"

Agreed.

Representative McNutt moved that **HR 129,** as amended, be adopted.

HR 129, as amended, was adopted by voice vote.

Representative Tobin moved that the rules be suspended to send **HJR 20** to the Committee on Judiciary-Statutes.

Announcements

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions.

Floor Amendment No. 3 to **SB 22** by Representative Donnermeyer.

Floor Amendment No. 1 to **SB 48** by Representative Hines.

Floor Amendment No. 2 to **SB 59** by Representative Clarke.

Floor Amendment No. 1 to **SB 59** by Representative B. Richardson.

Floor Amendment No. 2 to Committee Substitute for **SB 143** by Representative Beshear.

Floor Amendments Nos. 1, 2, 3, and 4 to **SB 173** by Representative Benson.

Floor Amendment No. 5 to **SB 173** by Representative Boatwright.

Floor Amendment No. 6 to **SB 173** by Representative DeFalaise.

Floor Amendments Nos. 7 and 8 to **SB 174** by Representative Arnold.

Floor Amendement No. 9 to **SB 174** by Representative Fitzgerald.

Floor (Title) Amendment No. 3 to **SB 193** by Representative Blythe.

Floor Amendment No. 3 to **SB 193** by Representative Blythe.

Floor Amendment No. 2 to **SB 229** by Representative Davenport.

Floor Amendment No. 3 to **SB 229** by Representative White.

Floor (Title) Amendment and Floor Amendment No. 1 to **SB 268** by Representative Lindsay.

Floor (Title) Amendment and Floor Amendment No. 2 to **SB 269** by Representative Wilborn.

Floor Amendment No. 5 to **SB 273** by Representative Blandford.

Floor Amendment No. 6 to **SB 273** by Representative Brinkley.

Floor (Title) Amendment No. 2 and Floor Amendment No. 3 to **SB 276** by Representative Lindsay.

Floor Amendment No. 4 to **SB 276** by Representative Beshear.

Floor Amendment No. 11 to **SB 289** by Representative Clarke.

Floor Amendment No. 12 to Committee Substitute for **SB 289** by Representative Jones.

Floor Amendment No. 13 to Committee Substitute for **SB 289** by Representative B. Richardson.

Floor Amendment No. 14 to **SB 289** by Representative Richards.

Floor Amendment No. 15 to Committee Substitute for **SB 289** by Representative Gray.

Floor Amendment No. 9 to **SB 292** by Representative DeFalaise.

Floor Amendment No. 2 to **SB 314** by Representative Lindsay.

Floor Amendment No. 3 to **SB 317** by Representative Beshear.

Floor Amendment No. 1 to**SB 320** by Representative White.

Adjournment

Representative Yates moved that the House adjourn until 10:00 a.m., Thursday, March 16, 1978.

On the roll call the vote was yeas 46-Adams, J. Allen, W. Allen, Arnold, Boatwright, Brinkley, Brown, Burnette, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Dunn, Foster, Gay, Geunthner, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Layman, Little, Marcum, Nett, Overstreet, Patrick, Pearman, Plummer, Rattliff, Richards, Riner, Robinson, Schmidt, Stone, Thomas, Turner, Wright, Yates. Nays 30-Bendl, Bennett, Benson, Beshear, Blythe, Burch, Clarke, Craddock, Gray, Haering, Hines, Kidd, Kleier, LeMaster, Lindsay, List, Mann, Maynard, McNutt, O'Brien, B. Richardson, Siemens, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Williams.

The motion to adjourn was adopted.

THURSDAY, MARCH 16, 1978

FIFTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend John C. Chenault, First Christian Church, Frankfort.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 15, 1978, be dispensed with, and the same approved with the exception of the motion and the ruling of the Chair made pursuant thereto by Representative Hancock that all properly filed requests to withdraw as a sponsor, or to be added as a co-sponsor, or to withdraw a bill and the agreement thereto. Agreed.

Introduction of Bills and Resolutions

HR 136, by Representative Kleier: A RESOLUTION urging the Legislative Research Commission to study the need for the establishment of an office of ombudsman for the adult handicapped and developmentally disabled.

HR 137, by Representative Riner: A RESOLUTION to adjourn the House of Representatives in memory and honor of J. Edgar Hoover.

Senate Message

Announcing passage of **HB 214, HB 547, HB 555, HB 570, HB 622, HB 766,** and **HB 312** with Amendment.

Report of Committees

The Committee on Rules reported **SB 317, SB 143, SB 202, SB 332, SB 233, SB 320, SB 135, SB 136, SB 273, SB 281, SB 301, SB 304, SB 204, SB 309, SB 314, SB 341, SB 171, SB 306, SB 192, SB 336,** and **HCR 117** have been posted for passage in Orders of the Day, March 17, 1978.

The Committee on Rules reported **SCR 36** has been posted for passage in Consent Orders of the Day, March 17, 1978.

The Committee on Health and Welfare reported **HR 130** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 130, A RESOLUTION urging the Department for Human Resources, Bureau for Social Services, to create a task force to study and review all statutes related to juvenile court dependency proceedings and actions involving the termination of parental rights, and to recommend changes in these statutes.

WHEREAS, it is important that all children in the Commonwealth be protected from physical, mental and emotional harm from abuse and neglect; and

WHEREAS, children who are abused and neglected are unable to protect themselves or to provide for their own basic human needs when deprived thereof; and

WHEREAS, it is the ultimate responsibility of the Commonwealth to insure that all children living in Kentucky be protected from abuse and neglect; and

WHEREAS, it is recognized that a balance must be achieved between the Commonwealth's responsibility for protection of all children residing therein and fundamental rights of parents to autonomy in child rearing; and

WHEREAS, a consistent and integrated system of goals and policies must be established in the area of juvenile dependency and termination of parental rights statutes; and

WHEREAS, there presently exist a number of model proposals for legislation in the area of juvenile dependency and termination of parental rights actions, resting upon different theories of state intervention on behalf of endangered children; and

WHEREAS, the 1980 General Assembly will benefit from a study and evaluation of both current statutes and proposed model statutes;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. It is recommended that the Department for Human Resources, Bureau for Social Services, establish a task force on child abuse and neglect to study the need for amending Kentucky statutes relating to juvenile dependency and termination of parental rights actions.

Section 2. It is recommended that the task force evaluate current statutes relating to juvenile dependency and termination of parental rights, study model statutes developed in these areas, consider the recommendations of persons in Kentucky who have expertise in these areas, study possible alternatives to involvement by the state in the family unit, propose changes in the law, and make any other recommendations it deems appropriate to the 1980 General Assembly.

Section 3. It is recommended that the task force be geographically representative of the Commonwealth and that it include participants selected by the following organizations or bodies: the Interim Joint Committee on Health and Welfare, the Bureau for Social Services, the Kentucky Legal Services Program, the Kentucky Foster Parents' Association, the Circuit Judges' Association, the District Judges' Association, the County Attorneys' Association, the Kentucky Youth Advocates, and the law, psychology, and social work faculties from among the various state universities and professional schools.

Section 4. That the Clerk of the House of Representatives be directed to deliver a copy of this resolution to the Secretary of the Department for Human Resources.

The Committee on Appropriations and Revenue reported **SB 359,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 359, AN ACT relating to inheritance and estate taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 140.250 is amended to read as follows:

(1) No safe deposit company, trust company, bank or other institution or person engaged in the business of renting safe deposit boxes or other receptacles of similar character shall rent any such box or receptacle without first requiring all persons given access thereto to agree in writing to notify the safe depository, bailee or lessor, from whom the box or receptacle is rented, of the death of any person having the right of access thereto, before seeking access to such box or receptacle after the death of such person. All persons having the right of access to any such safe deposit box or receptacle, before seeking access to the box or receptacle after the death of any other person having access thereto, must notify the depository, bailee or lessor, from whom the box or receptacle is rented, of the death of such person.

(2) No safe deposit company, trust company, bank or other institution or person having in possession or under control, custody or partial custody any safe deposit box or similar receptacle shall permit access thereto by anyone after the death of any person who, at the time of his death, had the right or privilege of access thereto either as principal, deputy, agent or cotenant, without the consent of the department of revenue or a person authorized by it to issue such consent.

(3) No safe deposit company, trust company, bank or other institution or person having in possession or under full or partial control or custody securities, deposits or other property, including the shares of the capital stock of, or other interest in, the safe deposit company, trust company, bank or other institution, belonging to or standing in the name of a decedent or in the joint name of a decedent and another person, shall deliver or transfer the property to personal representatives, agents, deputies, attorneys, trustees, legatees, heirs or successors in interest of the decedent or to any other person, or to the survivor when held in the joint names of the decedent and another person, or upon their order or request, without *first notifying the department, in writing, of the name of the decedant, the account number, and the amount of money in the account at the time of the notice* [retaining a sufficient portion thereof to pay any tax and interest that may thereafter be assessed thereon under this chapter, nor unless notice of the time and place of such delivery or transfer is served upon the department of revenue at least thirty (30) days prior to the proposed delivery or transfer. The department or a person authorized by the commissioner of revenue in writing may consent in writing to the delivery or transfer, and such consent shall relieve the safe deposit company, trust company, bank or other institution or

person from the obligation under this section to give notice or to retain any portion of the property of the decedent in its lawful possession or control].

(4) The department may examine the property at the time of delivery or otherwise.

(5) Any safe deposit company, trust company, bank or other institution or person failing to comply with the provisions of this section shall be liable for the amount of taxes, interest and penalties due under this chapter on the property mentioned in this section. The penalties and liabilities for the violation of this section may be enforced in an action brought by the department in any court of competent jurisdiction.

(6)(a) Notwithstanding the foregoing provisions, securities owned by a nonresident decedent, or in which a nonresident decedent has an interest, may be transferred as permitted by law upon the filing with the transfer agent of the affidavit prescribed by paragraph (b) of this subsection.

(b) The affidavit required by paragraph (a) of this subsection prior to the transfer of stock owned by, or in which an interest is held by, a nonresident shall state that the nonresident decedent had no property subject to the Kentucky inheritance and estate tax, the reason therefor, and shall be in such form as the department may prescribe.

(c) The affidavit shall be filed by the personal representative of the nonresident decedent and a copy thereof shall be furnished to the department of revenue by the transfer agent.

The Committee Substitute to **SB 359** is as follows:

SB 359, AN ACT relating to inheritance and estate taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 140.250 is amended to read as follows:

(1) No safe deposit company, trust company, bank or other institution or person engaged in the business of renting safe deposit boxes or other receptacles of similar character shall rent any such box or receptacle without first requiring all persons given access thereto to agree in writing to notify the safe depository, bailee or lessor, from whom the box or receptacle is rented, of the death of any person having the right of access thereto, before seeking access to such box or receptacle after the death of such person. All persons having the right of access to any such safe deposit box or receptacle, before seeking access to the box or receptacle after the death of any other person having access thereto, must notify the depository, bailee or lessor, from whom the box or receptacle is rented, of the death of such person.

(2) No safe deposit company, trust company, bank or other institution or person having in possession or under control, custody or partial custody any safe deposit box or similar receptacle shall permit access thereto by anyone after the death of any person who, at the time of his death, had the right or privilege of access thereto either as principal, deputy, agent or cotenant, without the consent of the department of revenue or a person authorized by it to issue such consent.

(3) No safe deposit company, trust company, bank or other institution or person having in possession or under full or partial control or custody securities, deposits or other property, including the shares of the capital stock of, or other interest in, the safe deposit company, trust company, bank or other institution, belonging to or standing in the name of a decedent or in the joint name of a decedent and another person, shall deliver or transfer *in excess of twenty-five hundred dollars ($2,500) in value of* the property to personal representatives, agents, deputies, attorneys, trustees, legatees, heirs or successors in interest of the decedent or to any other person, or to the survivor when held in the joint names of the decedent and another person, or upon their order or request, without retaining a sufficient portion *of the amount above twenty-five hundred dollars ($2,500)* [thereof] to pay any tax and interest that may thereafter be assessed thereon under this chapter, nor unless notice of the time and place of such delivery or transfer is served upon the department of revenue at least thirty (30) days prior to the proposed delivery or transfer. The department or a person authorized by the commissioner of revenue in writing may consent in writing to the delivery or transfer *of the amount above twenty-five hundred dollars ($2,500),* and such consent shall relieve the safe deposit company, trust company, bank or other institution or person from the obligation under this section to give notice or to retain any portion of the property of the decedent in its lawful possession or control.

(4) The department may examine the property at the time of delivery or otherwise.

(5) Any safe deposit company, trust company, bank or other institution or person failing to comply with the provisions of this section shall be liable for the amount of taxes, interest and penalties due under this chapter on the property mentioned in this section. The penalties and liabilities for the violation of this section may be enforced in an action brought by the department in any court of competent jurisdiction.

(6)(a) Notwithstanding the foregoing provisions, securities owned by a nonresident decedent, or in which a nonresident decedent has an interest, may be transferred as permitted by law upon the filing with the transfer agent of the affidavit prescribed by paragraph (b) of this subsection.

(b) The affidavit required by paragraph (a) of this subsection prior to the transfer of stock owned by, or in which an interest is held by, a nonresident shall state that the nonresident decedent had no property subject to the Kentucky inheritance and estate tax, the reason therefor, and shall be in such form as the department may prescribe.

(c) The affidavit shall be filed by the personal representative of the nonresident decedent and a copy thereof shall be furnished to the department of revenue by the transfer agent.

The Committee on State Government reported **HR 127** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 127, A RESOLUTION urging the Legislative Research Commission to study the need to license and regulate electricians and electrical contractors.

WHEREAS, many Kentuckians are killed and hundreds more left homeless each year by fires caused by faulty electrical wiring; and

WHEREAS, the recent tragedy at the Beverly Hills Supper Club vividly illustrated the ineffectiveness of current regulation of the installation of electrical wiring; and

WHEREAS, it is the responsibility of the Commonwealth of Kentucky to protect the health, safety and welfare of its citizens through effective regulation; and

WHEREAS, there have been unsuccessful attempts to achieve more effective regulation through the licensure of electrical contractors and electricians;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is urged to study, through the appropriate interim joint committee, the need for licensure and regulation of electricians and electrical contractors. The study shall include a review of the provisions of **HB 311** of the 1978 General Assembly.

Section 2. Any recommendations the committee may have shall be drafted into proposed legislation.

Section 3. Staff services to be utilized in completing this study are estimated to cost $10,000. These staff services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee on State Government reported **SB 336,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Substitute to **SB 336** is as follows:

SB 336, AN ACT relating to the Kentucky pollution abatement authority.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 224A IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky pollution abatement authority may finance pollution control facilities in the manner provided by KRS 103.246. For such purposes, the terms "city" and "county" as used in KRS 103.246 shall also mean and refer to the Kentucky pollution abatement authority.

(2) The authority may enter into such agreements with the United States small business administration as shall be necessary in connection with the financing of pollution control facilities in order to provide for the guarantee of bonds or notes of the Kentucky pollution abatement authority by the United States small business administration.

(3) The authority granted to the Kentucky pollution abatement authority by this Act shall not include the power to acquire property, rights of way or easements by condemnation.

(4) Neither the Kentucky pollution abatement authority nor the Commonwealth or any political subdivision of the Commonwealth shall be pecuniarily responsible or liable in any manner for the payment of principal of and interest on bonds or notes issued by the authority under this Act. Such bonds or notes shall be payable solely from revenues, receipts and payments derived from the lease, sale or vesting of such pollution control facilities in and to industrial concerns and utility companies with whom the authority contracts.

Calendar

SB 217 taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that it be read by title only. Ordered referred to the Committee on Rules.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 9, HB 122, HB 157, HB 179, HB 253, HB 229, HB 602, HB 609, HB 621, HB 627, HB 625, HB 665, HB 693, HCR 56, HCR 7, SR 52, SR 5, SB 292, SB 255, SB 188, SB 329, SB 16,** and **SB 172** had been examined and found correctly enrolled. Said Bill and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 9, HB 122, HB 157, HB 179, HB 253, HB 229, HB 602, HB 609, HB 621, HB 627, HB 625, HB 665, HB 693, HCR 56, and **HCR 7** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day

Speaker Pro Tempore Clapp presiding.

HJR 20, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved that the rules be suspended for the purpose of making motions. Agreed.

Representative Hancock moved that his motion of March 15, 1978, appearing on page 437 of the handwritten Journal be ruled out of order. So ruled.

Representative Hancock moved that **HJR 20** be withdrawn, he being the only sponsor. Objection.

Representative Benson requested a ruling of the Chair as to whether the motion made by Representative Brinkley corrected the Journal of March 15, 1978.

The Chair ruled that the House had no official Journal for March 15, 1978, until the motion for approval of the Journal had been made and agreed upon by the House.

Representative Beshear questioned the Chair as to whether this ruling meant changing the Journal of March 15, 1978.

The Chair ruled that the subject is before the House as if no action had been taken on **HJR 20** on March 15, 1978, and **HJR 20** has not been withdrawn.

Representatives Beshear and McNutt appealed the ruling of the Chair.

On the roll call the vote was yeas 64-Adams, J. Allen, W. Allen, Arnold, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burnette, Clapp, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Layman, Little, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, R. Smith, Stewart, Stone, Turner, Weinberg, Wells, Wright, Yates. Nays 28-Bendl, Bennett, Benson, Beshear, Blythe, Brown, Burch, Clarke, Craddock, Fitzgerald, Hancock, Hines, Kidd, List, Mann, McBee, McKinney, McNutt, Petty, Sale, Siemens, Thomas, Tobin, Trevey, Van Horn, Wilborn, Williams, Worthington.

Speaker Kenton presiding.

The ruling of the Chair was sustained.

Speaker Pro Tempore Clapp presiding.

Representative Clarke requested a ruling of the Chair as to whether the Senate Amendment was germane to **HJR 20.**

The Chair ruled the Senate Amendment to **HJR 20** germane.

Representatives Fitzgerald and Blythe appealed the ruling of the Chair.

Speaker Kenton presiding.

On the roll call the vote was yeas 60-J. Allen, W. Allen, Arnold, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burnette, Carpenter, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Layman, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, Stewart, Stone, Turner, Wells, Wright, Yates. Nays 35-Bendl, Bennett, Benson, Beshear, Blythe, Brown, Burch, Clarke, Craddock, DeMarcus, Fitzgerald, Hancock, Hines, Kenton, Kidd, LeMaster, List, Little, Mann, McBee, McKinney, McNutt, Petty, Sale, Siemens, R. Smith, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Worthington.

The ruling of the Chair was sustained.

Speaker Pro Tempore Clapp presiding.

Representative Bendl moved that **HJR 20** be sent to the Committee on Appropriations and Revenue for fiscal impact statement.

On the roll call the vote was yeas 31-Bendl, Bennett, Benson, Beshear, Blythe, Clarke, Craddock, DeMarcus, Fitzgerald, Hancock, Hines, Jones, Kidd, LeMaster, List, Little, Mann, McBee, McKinney, McNutt, Petty, Sale, Siemens, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Worthington. Nays 61-Adams, J. Allen, W. Allen, Arnold, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Layman, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, Stewart, Stone, Wright, Yates.

The motion that **HJR 20** be sent to the Committees on Appropriations and Revenue was rejected.

Representative Tobin moved that **HJR 20** be read at length. Agreed.

Representative DeFalaise moved the adoption of the previous question on **HJR 20**, not to preclude Representative Hancock's pending motion.

On the roll call the vote was yeas 61-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Crupper, Cyrus, Davenport, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Layman, Little, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, F. Smith, Stewart, Stone, Van Horn, Weinberg, Wright, Yates. Nays 25-Bendl, Benson, Blythe, Craddock, DeMarcus, Deskins, Fitzgerald, Hines, Kidd, LeMaster, Lindsay, List, Mann, McBee, McKinney, McNutt, Petty, Rattliff, Siemens, R. Smith, Thomas, Tobin, Turner, Wilborn, Williams.

The motion that the previous question be adopted, not to preclude Representative Hancock's pending motion, was adopted.

Representative Hancock moved that **HJR 20** be withdrawn, he being the only sponsor.

On the roll call the vote was yeas 35-Bendl, Bennett, Benson, Beshear, Blythe, Brown, Clarke, Craddock, Crupper, DeMarcus, Fitzgerald, Hancock, Hines, Kidd, LeMaster, List, Little, Mann, McBee, McKinney, McNutt, Petty, Sale, Siemens, R. Smith, Stewart, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington. Nays 53-Adams, J. Allen, W. Allen, Arnold, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Foster, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Layman, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Richards, Riner, Robinson, Schmidt, F. Smith, Stone, Wright, Yates.

The motion that **HJR 20** be withdrawn was rejected.

Representative B. Richardson moved the previous question.

On the roll call the vote was yeas 10-Brown, Clarke, Davenport, Donnermeyer, Gray, List, Thomas, Van Horn, Wilborn, Williams. Nays 75-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kidd, Layman, LeMaster, Lindsay, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Turner, Weinberg, White, Worthington, Wright, Yates.

The motion that the previous question be adopted was rejected.

Representative Hancock moved that all members have his permission to co-sponsor **HJR 20,** with Senate Amendment attached thereto. Agreed.

Representative Hancock moved that his name be withdrawn as sponsor of HJR 20, with Senate Amendment attached thereto.

Representative B. Richardson moved that **HJR 20,** with Senate Amendment attached thereto, be taken from Orders of the Day and placed upon its passage. Agreed.

The following members filed requests to have their names added as co-sponsors of **HJR 20,** with Senate Amendment attached thereto: Representatives Deskins, Robinson, Wright, Donnermeyer, Burnette, Guenthner, Patrick, Isler, Maynard, Johnson, Riner, Boswell, W. Allen, Marcum, and Layman.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HJR 20:**

Amend printed copy of **HJR 20,** page 1, by deleting the WHEREAS clauses thereon, and substituting in lieu thereof the following:

"WHEREAS, at the First Extraordinary Session of 1972, the General Assembly of the Commonwealth of Kentucky, by Joint Resolution, ratified an amendment to the Constitution of the United States proposed by House Joint Resolution 208 of the Ninety-SecondCongress (Second Session), proposing the 27th amendment to the Constitution of the United States, relative to equal rights for men and women and reading as follows:

Joint Resolution

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

Article

Section 1. Equality of rights under law shall not be denied or abridged by the United States or any state on account of sex.

Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

WHEREAS, it is the desire of the General Assembly of the Commonwealth of Kentucky that the Joint Resolution of the General Assembly of the Commonwealth of Kentucky ratifying the amendment be withdrawn;";

and on page 1, line 1, by deleting said line;

and on page 2, lines 1 through 26, by deleting same;

and on page 3, line 1, by deleting same;

and on page 1, following the resolving clause, by inserting the following:

"Section 1. That the ratification of the proposed 27th amendment to the Constitution of the United States, relative to equal rights for men and women, effected for Kentucky by the adoption of House Joint Resolution 2 at the First Extraordinary Session of 1972 of the Kentucky General Assembly, is withdrawn the action of the General Assembly of the Commonwealth of Kentucky thereon is hereby rescinded, and House Joint Resolution 2 is repealed.

Section 2. That copies of this resolution, duly certified by the Secretary of State of the Commonwealth of Kentucky with the Great Seal of Kentucky attached thereto, be sent to the Administrator of General Services of the United States, Washington, D.C., to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States. The Secretary of State of this Commonwealth shall also cause certified copies of the resolution to be sent to the Governor of each of the United States."

Representative B. Richardson moved a ten minute limit on debate on both sides be allowed. Agreed.

Representative Beshear moved that action on **HJR 20**, with Senate Amendment attached thereto, be postponed until 11:45 p.m., March 18, 1978.

On the roll call the vote was yeas 29-Bendl, Benson, Beshear, Blythe, Brown, Clarke, Craddock, DeMarcus, Fitzgerald, Hines, Kenton, Kidd, LeMaster, List, Little, Mann, McBee, McKinney, McNutt, Petty, Sale, Siemens, R. Smith, Tobin, Trevey, Turner, Van Horn, Wilborn, Williams. Nays 66-Adams, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Layman, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Overstret; Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, Stewart, Stone, Thomas, Weinberg, Wells, White, Worthington, Wright, Yates.

The motion that action on **HJR 20**, with Senate Amendment attached thereto, be postponed until 11:45 p.m., March 18, 1978, was rejected.

The Chair ruled that the time will be counted against each side on diversifying tactics.

Representatives Tobin and Beshear appealed the ruling of the Chair.

Speaker Kenton presiding.

On the roll call the vote was yeas 62-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Layman, Marcum, May, Maynard, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, Stewart, Stone, Turner, Wells, White, Wright, Yates. Nays 31-Bendl, Benson, Beshear, Blythe, Brown, Clarke, Craddock, DeMarcus, Fitzgerald, Gray, Hancock, Hines, Kidd, List, Little, Mann, McBee, McKinney, McNutt, Petty, Sale, Siemens, R. Smith, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wilborn, Williams, Worthington.

The ruling of the Chair was sustained.

Speaker Pro Tempore Clapp presiding.

On the roll call the vote was yeas 65-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Layman, Lindsay, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, Stone, Thomas, Worthington, Wright, Yates. Nays 33-Bendl, Benson, Beshear, Blythe, Brown, Clarke, Craddock, DeMarcus, Fitzgerald, Hancock, Hines, Kenton, Kidd, LeMaster, List, Little, Mann, McBee, McKinney, McNutt, Petty, Sale, Siemens, R. Smith, Stewart, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams.

The motion that the House concur in the Senate Amendment to **HCR 20** was adopted.

Representative Clarke requested that his words in explaining his vote on **HJR 20** be spread upon the Journal.

The rules of the House were not suspended. The question of the germaness of an amendment is not directly addressed in the Rules but in the absence of a specific rule Mason's manual controls. Rule 73.

Mason's manual section 402 (3) states, "To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of the motion or measure and still be germane to the subject."

Section 402 (4), "An entirely new proposal may be substituted by amendment so long as it is germane to the main purpose of the original proposal."

Further, section 731 (3) of Mason's states, "A bill after passing the house, may be materially amended in the other and passed as amended, this practice being in accordance with Common legislative procedure; and the amendments may take the form of the substitution of an entirely new bill for the bill introduced, *so long as the subject of the bill is not changed.*"

House Resolution 20 relates to Military Service Credit for retirement and the attempted amendment is clearly not germane.

Representative Benson requested that his explanation of his vote on HJR 20 be spread upon the Journal.

Each house of the legislature has power to correct its journals so as to make them speak the truth at any time before final adjournment.

When a bill is withdrawn, the situation is as though the bill had never been before the house, and the same bill or a similar bill may be again introduced.

Representative Mann requested that his remarks in explaining his vote on **HJR 20** be spread upon the Journal.

Mr. Speaker, Ladies and Gentlemen of the House:

I would like to begin to explain my vote against rescinding the Equal Rights Amendment by quoting someone I respect very much, Father Theodore Hesburgh, President of Notre Dame University.

> "Ratification of the Equal Rights Amendment would demonstrate that we are a Nation truly committed to equality. Ratification would go far toward insuring that sex like other immutable and irrelevant characteristics play no part in determining individual worth or opportunity."

I would like to close by explaining my vote to two little boys in Newport, who someday may want to know what I did as a legislator.

Sons, I sponsored many bills. I've voted for and against many pieces of legislation. But, in the final analysis I want you to know that when your father had the opportunity, he voted to uphold the ideas and ideals he felt this country was founded on.

I wish these remarks to be spread upon the Journal.

Representative B. Richardson moved that **HJR 20,** as amended, be passed.

On the roll call the vote was yeas 61-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Lindsay, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, Stone, Thomas, Wright, Yates. Nays 28-Bendl, Benson, Beshear, Brown, Clarke, Craddock, DeMarcus, Fitzgerald, Hancock, Hines, Kenton, Kidd, LeMaster, List, Little, Mann, McBee, McKinney, McNutt, Petty, Sale, R. Smith, Tobin, Trevey, Van Horn, Weinberg, Wilborn, Williams.

HJR 20, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 20,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the rules be suspended to allow Representative Hancock to withdraw as sponsor of **HJR 20.**

On the roll call the vote was yeas 60-J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clarke, Craddock, Cyrus, Davenport, DeMarcus, Deskins, Dunn, Fitzgerald, Gay, Gray, Guenthner, Guy, Head, Hines, Holbrook, Imes, Isler, Jones, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, Marcum, McKinney, McNutt, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Rattliff, P. Richardson, Sale, F. Smith, R. Smith, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wilborn, Williams. Nays 11-DeFalaise, Dietz, Donnermeyer, Maynard, Overstreet, Patrick, Plummer, Riner, Robinson, Schmidt, Wright.

The motion that the rules be suspended to allow Representative Hancock to withdraw as sponsor of **HJR 20** was adopted.

Representative Hancock moved that his name be withdrawn as sponsor of **HJR 20.** Agreed.

Representative B. Richardson moved that the rules be suspended to allow the report of the Committee on Rules of March 15, 1978, to be considered in Orders of the Day on March 16, 1978. Agreed.

Representative B. Richardson moved that the posting requirement in regard to **SCR 55** be waived. Agreed.

Recess

Representative B. Richardson moved that the House recess until 2:15 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **HB 686** with Amendments, **HB 628** with Amendment, **HB 760** with Amendment, **HB 156** with Amendments, **HB 717** with Amendments, **HB 392** with Amendment, **HB 393** with Amendment, **HB 331, HB 367,** and **HB 399.**

Orders of the Day (continued)

SCR 45 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 48-Adams, J. Allen, W. Allen, Benson, Blandford, Bruce, Clapp, Clarke, Craddock, Dawahare, DeFalaise, DeMarcus, Donnermeyer, Fitzgerald, Foster, Gray, Guy, Hines, Hurst, Imes, Johnson, Jones, Kenton, Layman, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, Morris, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Romines, Schmidt, Stewart, Tobin, Turner, Weinberg, Wilborn, Wright, Yates. Nays 1-Van Horn.

SCR 45 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SCR 45** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SJR 33 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 47-J. Allen, W. Allen, Brinkley, Bruce, Burnette, Clapp, Clarke, Craddock, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Hines, Imes, Johnson, Kenton, Layman, LeMaster, List, Little, Mann, Marcum, May, McBee, McKinney, Morris, Petty, Plummer, Priddy, B. Richardson, P. Richardson, Romines, Stewart, Thomas, Turner, Weinberg, Wilborn, Wright, Yates. Nays 6-Adams, Jones, Lindsay, Rattliff, Schmidt, Van Horn.

SJR 33 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SJR 33** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SCR 35 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 47-Adams, J. Allen, Benson, Brinkley, Bruce, Burnette, Clapp, Craddock, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Hines, Holloway, Imes, Kenton, LeMaster, List, Little, Mann, Marcum, May, McBee, McKinney, Morris, Petty, Priddy, B. Richardson, P. Richardson, Romines, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Weinberg, Wilborn, Wright. Nays 7-W. Allen, Hurst, Layman, Lindsay, Plummer, Rattliff, Van Horn.

SCR 35 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SCR 35** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 261, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Imes moved the adoption of the Committee Amendment to **HB 261.** Agreed.

Representative Imes moved that **HB 261,** as amended, be passed.

On the roll call the vote was yeas 58-Adams, J. Allen, W. Allen, Brinkley, Burnette, Clapp, Craddock, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Hines, Holbrook, Holloway, Imes, Johnson, Jones, Kenton, Layman, LeMaster, Lindsay, Little, Mann, Marcum, May, McBee, McKinney, Morris, Noe, O'Brien, Patrick, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Romines, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Wilborn, Wright, Yates. Nays 5-Clarke, List, Rattliff, Schmidt, Weinberg.

HB 261, as amended, was passed and the title agreed to.

Representative Imes moved that the vote by which **HB 261,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 469 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Guenthner moved that **HB 469** be passed.

On the roll call the vote was yeas 45-Blythe, Brinkley, Burnette, Clapp, Craddock, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Foster, Gay, Gray, Guenthner, Guy, Holbrook, Imes, Jones, Kenton, Layman, LeMaster, Lindsay, Little, Marcum, May, Noe, Overstreet, Patrick, Pearman, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Wells, Yates. Nays 9-Adams, Clarke, Donnermeyer, Fitzgerald, Hancock, List, Mann, Petty, Weinberg.

HB 469 was passed and the title agreed to.

Representative Guenthner moved that the vote by which **HB 469** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 276 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the adoption of the following Floor Amendment No. 1 to **SB 276:**

Amend printed copy of **SB 276,** page 1, after line 13, by inserting the following:

"Section 2. KRS 379.080 is amended to read as follows:

(1) If the assignor reserves any of his property as exempt, the court shall appoint three competent and disinterested housekeepers, who, after being first duly sworn, shall set apart to the debtor the property exempt, and within ten days thereafter the assignee shall file a report thereon. Exceptions may be filed to the report by any person in interest but not later than the sixty days after the report has been filed. The court shall hear and dispose of any exceptions and if none are filed it shall confirm the report.

(2) If land is exempt, an order shall be entered directing the assignee to employ, if necessary, a competent surveyor to lay off by metes and bounds the homestead exemption as set apart by the appraisers. The court may, with the consent of the assignor, and if it appears best for the interest of the creditors, or if the land is not divisible without impairing its value, order the property sold and the value of the homestead, not exceeding *three* [one] thousand dollars *($3,000),* paid to the assignor.

Section 3. KRS 427.060 is amended to read as follows:

In addition to any exemption of personal property, land, including the dwelling house and appurtenances, not exceeding *three* [one] thousand dollars *($3,000)* in value, owned by any bona fide housekeeper with a family resident in this state, is exempt from sale under execution, attachment or judgment, except to foreclose a mortgage given by the owner of a homestead or for purchase money due thereon. This exemption shall not apply if the debt or liability existed prior to the purchase of the land or the erection of the improvements thereon.

Section 4. KRS 427.080 is amended to read as follows:

(1) No sale under execution, attachment or judgment of land occupied as a homestead shall be had until the officer executing the writ or judgment has the part thereof selected by the defendant as his homestead

exemption, not to exceed *three* [one] thousand dollars *($3,000)* in value, valued under oath and set apart to him by two disinterested housekeepers of the county. These appraisers shall be selected by the court or officer, and if they disagree the officer making the sale shall act as umpire.

(2) The valuation shall be in writing and signed by the person making it and returned to the court. The officer shall refer to and explain the proceedings in his return on the execution, which shall be recorded in full.

Section 5. KRS 427.090 is amended to read as follows:

If the defendant in the execution, attachment or other action owns real property levied on or sought to be subjected to the payment of any debt or liability, which, in the opinion of the appraisers, is of greater value than *three* [one] thousand dollars *($3,000)* and not divisible without great diminution in value, the property shall be sold and *three* [one] thousand dollars *($3,000)* of the money arising from the sale paid to the defendant to enable him to purchase another homestead. The land shall not be sold for less than *three* [one] thousand dollar *($3,000)*."

Agreed.

Representative Lindsay moved the adoption of the following Floor Amendment No. 3 to **SB 276:**

Amend printed copy of **SB 276,** page 1, after line 15, by adding the following:

"Section 2. KRS 376.210 is amended to read as follows:

(1) Any person, firm or corporation who performs labor or furnishes materials or supplies for the construction, maintenance, or improvement of any canal, railroad, bridge, public highway or other public improvement in this state by contract, express or implied, with the owner thereof or by subcontract thereunder shall have a lien thereon, and upon all the property and the franchises of the owner, except property owned by the state, a subdivision or agency thereof, or by any county or city. If the property improved is owned by the state or by any subdivision or agency thereof, or by any county or city, the person furnishing the labor, materials or supplies shall have a lien on the funds due the contractor, *or from funds of the public agency which remain unexpended relative to that contract or project,* from the owner of the property improved. Except as provided in section 376.195, the lien shall be for the full contract price of the labor, materials and supplies furnished, and shall be superior to all other liens thereafter created.

(2) Any person undertaking or expecting to furnish labor, materials or supplies as provided in this section may acquire the lien herein provided by filing in the clerk's office of each county in which he has undertaken to furnish labor, materials or supplies, except as provided in subsection (3), a statement in writing that he has undertaken and expects to furnish labor, materials or supplies and the price at which they are to be furnished, and the lien for labor, material or supplies furnished thereafter shall relate back and take effect from the date of the filing of the statement. In all cases of original construction the liens shall be prior to all liens theretofore or thereafter created on the part so constructed and on no other part.

(3) In all cases where the labor, materials or supplies are furnished for the improvement of any public highway or other public property owned by the state or by any county or city, the statement shall be filed in the county clerk's office of the county in which is located the seat of government of the owner of the property improved, and the lien shall attach only to any unpaid balance due the contractor for the improvement from the time a copy of the statement, attested by the county clerk, is delivered to the owner or the owner's authorized agent with whom the contract for improving the public highway or other public property was made."

Agreed.

Representative Beshear moved the adoption of the following Floor Amendment No. 2 to **SB 276:**

Amend printed copy of **SB 276,** page 1, after line 15, by adding the following:

"Section 2. KRS 389.045 is amended to read as follows:

(1) The court shall appoint a suitable person, as commissioner, to execute its judgment.

(2) The court shall cause the title of the property to be conveyed by a commissioner to the purchaser, without warranty.

(3) The conveyance must be acknowledged before and approved by the court, and be certified by its clerk to the clerk of the county court for record.

(4) In the actions for investment authorized by KRS 389.010 the court shall order the proceeds of sales to be invested, subject to its approval, in real estate in or out of this state, or in bonds of the United States or of this state, or in the stock of a bank of this state, *or in any investment which the court shall deem appropriate and prudent,* subject to the same uses, trusts and limitations as the estate sold was subject to.

(5) If the owner of real estate which may have been sold under the provisions of this chapter die during infancy; or being incompetent, die intestate; and upon privy examination as is authorized by this chapter, or without disposing in the manner authorized by law of the property in which the proceeds may have been invested, the person who would have been entitled to the property, if it had not been sold, shall be entitled to the proceeds, or to the property in which they have been invested.

(6) All persons interested in the property must be made parties; and, if objection to the sale be made by a defendant having a joint interest, his share shall not be sold, but the property may be divided, and a sale of the shares of those desiring it may be ordered, if such division and sale can be made without materially impairing the value of the property or of the plaintiff's interest therein.

(7) If a deed or will give to a trustee a discretionary power to sell the property, the court shall not have power to order a sale of it without the consent of the trustee."

Agreed.

Representative Beshear moved that **SB 276,** as amended, be passed.

On the roll call the vote was yeas 44-Adams, Bendl, Beshear, Brinkley, Brown, Bruce, Burch, Carpenter, Clarke, Dawahare, DeFalaise, DeMarcus, Deskins, Donnermeyer, Fitzgerald, Foster, Gay, Guy, Head, Holbrook, Johnson, Jones, Kenton, LeMaster, Lindsay, List, Mann, Marcum, May, Morris, Petty, Richards, B. Richardson, F. Smith, R. Smith, Stewart, Stone, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn. Nays 20-J. Allen, Benson, Blythe, Craddock, Davenport, Dietz, Gray, Guenthner, Haering, Hancock, Holloway, Imes, Little, McKinney, Pearman, Priddy, P. Richardson, Romines, Siemens, Tobin.

SB 276, as amended, was passed.

Representative Beshear moved the adoption of the following Floor Amendment No. 4 (Title) to **SB 276:**

Amend printed copy of **SB 276,** page 1, Title Amendment, by changing it to read: "AN ACT relating to real and personal property, and the investment therein."

The Floor Amendment No. 4 (Title) was adopted.

Representative Beshear moved that the vote by which **SB 276,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 119, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage.

Representative Adams moved the adoption of the following Floor Amendment No. 1 to **SB 119:**

Amend printed copy of **SB 119,** page 6, after line 8, by adding the following:

"SECTION 9. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

For the purpose of Sections 9 and 10 of this Act, the following words and phrases have the following meanings unless the context otherwise requires:

(1) "Retailer" means any person, firm or corporation engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachments or repair parts, but shall not include retailers of petroleum and motor vehicle and related automotive care and replacement products normally sold by such retailers and shall not include retailers of yard and garden equipment not primarily engaged in the farm equipment business;

(2) "Inventory" means farm implements machinery, utility and industrial equipment, attachments and repair parts; and

(3) "Net cost" means the price the retailer paid for the merchandise to the wholesaler, manufacturer or distributor, less all applicable discounts allowed.

SECTION 10. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

Whenever a retailer enters into a franchise agreement, evidenced by a written contract, wherein the retailer agrees to maintain an inventory, such contract shall contain a provision that if the contract is terminated, the wholesaler, manufacturer or distributor shall repurchase the inventory previously purchased from him and held by the retailer on the date of termination of the contract, for one hundred percent (100%) of the current net cost of all new, unsold, undamaged and complete farm implements, machinery, utility and industrial equipment, and attachments and one hundred percent (200%) of the current net cost of all new, unused and undamaged repair parts."

Rejected.

Representative Overstreet moved the adoption of the Committee Amendment to **SB 119.** Agreed.

Representative Craddock moved that **SB 119,** as amended, be passed.

On the roll call the vote was yeas 69-Adams, J. Allen, Arnold, Bendl, Blythe, Brinkley, Burch, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Hurst; Imes, Isler, Jones, Kenton, Layman, LeMaster, Lindsay, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Weinberg, Wells, White, Worthington, Yates. Nays 13-W. Allen, Beshear, Clarke, DeFalaise, Gray, Head, Johnson, Patrick, Plummer, Siemens, Tobin, Van Horn, Wilborn.

SB 119, as amended, was passed and the title agreed to.

Representative Craddock moved that the vote by which **SB 119,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 336 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69-J. Allen, Bendl, Benson, Beshear, Blythe, Brinkley, Brown, Burch, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Noe, O'Brien, Petty, Priddy, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 14-Adams, W. Allen, Davenport, Haering, Hurst, Layman, Lindsay, Overstreet, Patrick, Pearman, Plummer, Rattliff, Richards, Van Horn.

SB 336 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 336** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 304 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Hines, Hurst, Imes, Isler, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Little, Marcum, May, McBee, McKinney, Morris, Noe, Overstreet, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Wright, Yates. Nays 10-W. Allen, Dawahare, Head, Holbrook, Layman, Plummer, Riner, Robinson, Stewart, White.

SB 304 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 304** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 193 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blythe moved the adoption of the following Floor Amendment No. 3 to **SB 193:**

Amend printed copy of **SB 193,** page 62, after line 18, by adding the following:

"Section 43. KRS 6.775 is amended to read as follows:

(1) No legislator shall use his influence as a member of the general assembly in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest.

(2) No legislator shall use his official position or office to obtain financial gain for himself, any members of the legislator's family, or persons with whom the legislator maintains a close economic association.

(3) No legislator shall use or attempt to use his official position to secure or create privileges, exemptions, advantages, contracts or treatment for himself or others in derogation of the public interest at large.

(4) No legislator in order to further his own economic interests, or those of any other person, shall disclose or use confidential information acquired in the course of his official duties.

(5) No legislator shall receive, directly or indirectly, any interest, profits or perquisites arising from the use or loan of public funds in his hands or to be raised through any agency of the general assembly.

(6) No legislator shall act as officer or agent for the commonwealth or any agency in the transaction of any business with himself, or with any corporation, company, association or firm in which he or his spouse has any interest greater than five percent (5%), of the total value thereof.

(7) No legislator shall knowingly himself or by his partners or through any corporation which he controls or in which he owns or controls more than five percent (5%) of the stock, or by any other person for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract, agreement, sale or purchase of the value of twenty-five dollars ($25) or more, made, entered into, awarded or granted by any state agency, unless said contract, agreement, sale or purchase was made or let after public notice and competitive bidding. *The provisions of this subsection shall not apply to any contract, agreement, sale, or purchase in which a legislator or his partners or associates has an interest prior to the time of his last election to the general assembly.*

(8) No legislator shall be in any manner interested, either directly or indirectly, in his own name or in the name of any member of his family or in the name of any other person, association, trust, or corporation, in any contract for the performance of any work in the making or letting or administration of which such legislator may be called upon to act or vote. No legislator shall represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in

regard to which such legislator may be called upon to act or vote. Any contract made and procured in violation hereof is void. For the purposes of this subsection the holding of less than five percent (5%) of the stock of a corporation is not considered an interest."

On the roll call the vote was yeas 48-Adams, Bendl, Benson, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, DeMarcus, Dietz, Donnermeyer, Dunn, Gay, Hancock, Head, Hines, Hurst, Imes, Isler, Lindsay, List, Mann, Maynard, McBee, Morris, Pearman, Petty, Priddy, Richards, B. Richardson, Riner, Romines, Siemens, F. Smith, R. Smith, Trevey, Turner, White, Williams, Worthington, Yates. Nays 20-J. Allen, Bennett, Clarke, Deskins, Fitzgerald, Foster, Gray, Guy, Haering, Kenton, LeMaster, Little, Marcum, Robinson, Stone, Tobin, Van Horn, Wells, Wilborn, Wright.

Floor Amendment No. 3 to **SB 193** was adopted.

Representative B. Richardson moved that **SB 193**, as amended, be passed.

On the roll call the vote was yeas 56-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Gay, Guy, Hancock, Hines, Hurst, Imes, Isler, Jones, Kenton, Kidd, LeMaster, Lindsay, Little, Maynard, McBee, Morris, Noe, Priddy, Richards, B. Richardson, Romines, Siemens, F. Smith, R. Smith, Stewart, Tobin, Weinberg, Wells, White, Wilborn, Williams, Yates. Nays 22-Brinkley, Crupper, Davenport, Haering, Head, Holbrook, Layman, List, Marcum, May, McKinney, Overstreet, Patrick, Pearman, Petty, P. Richardson, Riner, Robinson, Thomas, Van Horn, Worthington, Wright.

SB 193, as amended, was passed.

Representative Blythe moved the adoption of the following Title Amendment No. 3 to **SB 193:**

Amend printed copy of **SB 193**, page 1, Title line, by amending the title to read as follows: "AN ACT relating to public officials."

The Title Amendment was adopted.

Representative B. Richardson moved that the vote by which **SB 193**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 309, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Weinberg moved the adoption of the Committee Amendment No. 1 to **SB 309.** Agreed.

Representative Weinberg moved that **SB 309**, as amended, be passed.

On the roll call the vote was yeas 82-J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, List, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 6-Adams, Clarke, Lindsay, Mann, Siemens, Thomas.

SB 309, as amended, was passed and the title agreed to.

Representative Weinberg moved that the vote by which **SB 309**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 289, by way of Committee Substitute as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the following Floor Amendment No. 11 to the Committee Substitute to **SB 289:**

Amend printed copy of **SB 289,** page 59, line 9, by deleting the bracket " [" before "(4) Each—" and

on page 60, line 4, by deleting the bracket " [" after "—used."

Agreed.

Representative B. Richardson moved the adoption of the following Floor Amendment No. 13 to the Committee Substitute to **SB 289:**

Amend printed copy of House Committee Substitute for **SB 289,** page 76, lines 25 and 26, by deleting same; and

on page 77, lines 1-16, by deleting same.

Agreed.

Representative Jones moved the adoption of the following Floor Amendment No. 12 to the Committee Substitute to **SB 289:**

Amend printed copy of House Committee Substitute for **SB 289,** page 63, lines 14 and 15, by deleting " *And beginning July 1, 1979, all justices and judges of the court of justice*".

Agreed.

Representative B. Richardson moved that **SB 289,** by way of Committee Substitute as amended, be passed.

Representative DeFalaise moved that the vote on Floor Amendment No. 7 to the Committee Substitute to **SB 289** be reconsidered.

On the roll call the vote was yeas 46-J. Allen, W. Allen, Bennett, Beshear, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Cyrus, Dawahare, Deskins, Dietz, Fitzgerald, Gay, Gray, Guenthner, Holbrook, Hurst, Imes, Johnson, Jones, Layman, LeMaster, List, Little, Marcum, McKinney, Overstreet, Patrick, Pearman, Priddy, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, Stone, Thomas, Trevey, Van Horn, Wilborn, Williams, Wright. Nays 45-Adams, Bendl, Benson, Blandford, Bruce, Carpenter, Clapp, Craddock, Crupper, Davenport, DeFalaise, DeMarcus, Donnermeyer, Dunn, Foster, Guy, Haering, Hancock, Head, Hines, Holloway, Isler, Kenton, Kidd, Mann, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Petty, Richards, B. Richardson, P. Richardson, Sale, R. Smith, Stewart, Tobin, Turner, Weinberg, Wells, White, Yates.

The motion that the vote on Floor Amendment No. 7 to **SB 289** be reconsidered was adopted.

Representative Gray moved the adoption of the Floor Amendment No. 7 to the Committee Substitute to **SB 289:**

On the roll call the vote was yeas 37-J. Allen, W. Allen, Bennett, Brinkley, Brown, Burch, Burnette, Craddock, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Fitzgerald, Gray, Guenthner, Holbrook, Hurst, Isler, Johnson, Jones, LeMaster, Little, Marcum, Maynard, McKinney, Overstreet, Patrick, Pearman, Robinson, Romines, Schmidt, R. Smith, Thomas, Trevey, Van Horn, Williams. Nays 52-Adams, Arnold, Bendl, Benson, Blandford, Blythe, Boatwright, Boswell, Bruce, Carpenter, Clapp, Clarke, Crupper, Donnermeyer, Dunn, Foster, Gay, Guy, Haering, Hancock, Head, Hines, Holloway, Imes, Kenton, List, Mann, May, McBee, McNutt, Morris, Nett, Noe, O'Brien, Petty, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Sale, Siemens, Stewart, Stone, Tobin, Turner, Weinberg, Wells, White, Wilborn, Worthington, Yates.

Floor Amendment No. 7 to the Committee Substitute to **SB 289** was rejected.

On the roll call the vote was yeas 82-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, LeMaster, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 15-W. Allen, Dawahare, Gay, Layman, Lindsay, List, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Schmidt, Trevey, Van Horn.

SB 289, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 289,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 257 taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Overstreet requested a ruling of the Chair as to the constitutionality of **SB 257.**

The Chair ruled that **SB 257** is not a revenue measure.

At the request of Representative Overstreet, the following ruling of the Chair is spread upon the Journal:

The Chair ruled **SB 257** is not a revenue measure. **SB 257** permits instead of instructs.

Representative Tobin inquired as to why Representative Overstreet objected to the possible unconstitutionality of **SB 257** when he voted for **HJR 20** which, in her opinion, was an unconstitutional bill earlier today. (The foregoing has been spread upon the Journal at Representative Tobin's request.)

On the roll call the vote was yeas 60-Adams, J. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Hancock, Head, Hurst, Jones, Kenton, Kidd, LeMaster, Mann, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Wells, White, Williams, Yates. Nays 33-W. Allen, Arnold, Beshear, Burch, Davenport, Dawahare, Guenthner, Haering, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Layman, Lindsay, List, Marcum, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Robinson, Schmidt, Thomas, Trevey, Turner, Van Horn, Weinberg, Wilborn, Wright.

SB 257 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 257** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 273, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blandford moved the adoption of the Committee Amendment No. 1 to **SB 273.** Agreed.

Representative Blandford moved the adoption of the Committee Amendment No. 2 to **SB 273.**

On the roll call the vote was yeas 47-Adams. J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Carpenter, Clapp, Clarke, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Guy, Hancock, Hurst, Imes, Isler, May, McBee, McKinney, Noe, O'Brien, Patrick, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, F. Smith, R. Smith, Stewart, Turner, Wells, White, Yates. Nays 28-W. Allen, Brown, Bruce, Burnette, Cyrus, Davenport, Deskins, Fitzgerald, Haering, Head, Hines, Holbrook, Holloway, Jones, Layman, LeMaster, Lindsay, Little, Marcum, McNutt, Morris, Rattliff, Riner, Robinson, Tobin, Van Horn, Weinberg, Wright.

Committee Amendment No. 2 to **SB 273** was adopted.

Representative Blandford moved the adoption of the following Floor Amendment No. 5 to **SB 273:**

Amend printed copy of Committee Amendment No. 2 to **SB 273,** in Section 26(1), by deleting the last sentence in subsection (1) beginning with the word "Thereafter" and ending with "KRS 350.990".

Agreed.

Representative Blandford moved the adoption of the following Floor Amendment No. 6 to **SB 273:**

Amend printed copy of Committee Amendment 2 to **SB 273,** page 6, by deleting said page and inserting in lieu thereof the following:

"(1) Propose and promulgate regulations to accomplish the purposes of this section.

(4) The department shall not promulgate regulations which are inconsistent with the Surface Mining Control and Reclamation Act of 1977 (PL 95-87).

(5) Any person who violates a provision of this section or the regulations promulgated pursuant thereto shall be subject to those penalties and remedies set forth in KRS 350.990 except as provided for in (h) herein.

Section 27. For the purposes of regulations promulgated under the provisions of Section 26 of this Act, the interim joint committee on Agriculture and Natural Resources shall have the same authority and responsibility as the Administrative Regulations Review Subcommittee has under KRS Chapter 13. Following the regulations review by the interim committee the same shall be reviewed by the Administrative".

Agreed.

Representative Blandford moved the adoption of the following Floor Amendment No. 3 to **SB 273:**

Amend printed copy of **SB 273,** page 24, line 9, after "1977" and before the period insert "provided that such rules and regulations shall be no more stringent than required by such law."

Agreed.

Representative J. Allen moved that **SB 273,** as amended, be passed.

Representative Deskins moved the adoption of the following Floor Amendment No. 2 to **SB 273:**

Amend printed copy of **SB 273,** page 36, lines 15-16, by deleting the word "*Permits*"; and

on page 36, lines 18 and 19, by deleting the words "*not less than two (2) years notwithstanding*"; and

on page 36, line 16, by removing the end bracket "]" after "permit"; and

on page 36, line 19, by removing the brackets " [ ]" around "one (1) year from" and by removing the brackets " [ ]" around "its"; and

on page 36, line 20, by placing an end bracket "]" after the word "issuance"; and

on page 36, line 15, following the period by inserting the following language: "*Any valid permit in existence on the effective date of this Act or any permit issued on or after the effective date of this Act shall be for the anticipated life of the specific operation, but shall not violate the conditions with respect to the duration of a permit as set forth in the "Surface Mining Control and Reclamation Act of 1977". (Public Law 95-87). Permits issued for the anticipated life of a specific operation shall be in effect, unless the specific operation is sooner suspended, or the permit revoked or suspended, so long as the permittee is in compliance with all applicable state laws and regulations pursuant thereto, including the bonding requirements set forth in KRS 350.060(9). The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct strip mining and reclamation operations within the year. As succeeding increments of strip mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the department an additional bond or bonds to cover such increments in accordance with KRS 350.060(9) and KRS 350.070. A permit shall terminate if the permittee has not commenced the strip mining operations covered by such permit within three years of the issuance of the permit: Provided, That the* *department may grant reasonable extensions of time upon a showing that such extensions are necessary by reason of litigation precluding such commencement or threatening substantial economic loss to the permittee, or by reason of conditions beyond the control and without the fault of negligence of the permittee."*

On page 42, by deleting lines 17-26; and

on page 43, by deleting lines 1-26; and

on page 44, by deleting lines 1-3; and

on page 44, lines 8 and 9, by placing brackets " [ ]" around the language beginning with ", but an increase" and ending with "was issued"; and

on page 47, following line 3, by inserting the following:

"Section 28. KRS 350.100 is amended to read as follows:

(1) It shall be the duty of an operator to commence the reclamation of the area of land affected by his operation as soon as possible after the beginning of strip mining of that area in accordance with plans previously approved by the department. [, and to complete such reclamation within twelve (12) months after the permit has expired except that] Such grading, backfilling and water management practices that are approved in the plans shall be kept current with the operation as defined by regulations of the department and no permit or supplement to a permit shall be issued, if in the discretion of the department, these practices are not current;

(2) If an investigation indicates that planting so as to provide vegetative cover of an area of land affected by strip mining may not be successful, the department may authorize the operator to defer such planting until the soil has become suitable for such purposes and a yearly report shall be filed with the department indicating the soil conditions until a successful planting or seeding has been completed. It may authorize the operator, with the approval of the department, to do planting to provide vegetative cover for a different area of land in lieu of that covered by his permit. Such different area of land must be land affected by strip mining in the past which has soil that has become suitable for planting, of not less acreage than the land covered by the permit. An application by the operator for authority to plant a different area of land shall identify the different area and shall be accompanied by a map showing its location, area and boundaries. The application shall be accompanied by the written consent of the owner of the land covered by the permit to release the operator from his obligation to provide a vegetative cover for the land covered by the permit. If the department grants the application for the planting of a different area of land and the planting is carried out in accordance with its orders, the operator shall be relieved of his obligation to provide a vegetative cover for the area of land affected by his operation for which a different area of land has been substituted.

Section 29. KRS 350.120 is amended to read as follows:

Each year within sixty (60) days after the *day of initial issuance* [date of expiration] of a permit, the operator shall file with the division a report stating the exact number of acres of land affected by the operation, the extent of the reclamation already accomplished by him, and such other information as may be required by the rules and regulations of the division and the commission. The report shall be accompanied by a copy of the map filed with the original application which shall show any revisions made necessary by results of the operation."

On page 47, line 4, after the word "Section" by deleting "28" and inserting in lieu thereof "30"; and

on page 47, line 6, after the word "Section" by deleting "29" and inserting in lieu thereof "31".

On the roll call the vote was yeas 33-W. Allen, Bennett, Blythe, Boatwright, Brinkley, Brown, Davenport, Dawahare, Deskins, Dunn, Fitzgerald, Gray, Head, Isler, Layman, LeMaster, Lindsay, List, Little, Marcum, Morris, Overstreet, Pearman, Petty, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, Stone, Van Horn, Weinberg. Nays 42-Adams, J. Allen, Bendl, Benson, Beshear, Blandford, Boswell, Clapp, Clarke, Craddock, Cyrus, Dietz, Donnermeyer, Foster, Guy, Haering, Hancock, Holbrook, Holloway, Hurst, Imes, Kenton, Mann, McBee, McNutt, O'Brien, Patrick, Rattliff, Richards, B. Richardson, P. Richardson, R. Smith, Stewart, Thomas, Tobin, Trevey, Turner, Wells, White, Wilborn, Wright, Yates.

Floor Amendment No. 2 to **SB 273** was rejected.

Representative Deskins moved the adoption of the following Floor Amendment No. 1 to **SB 273:**

Amend printed copy of **SB 273,** page 47, by inserting after line 3 the following:

"SECTION 28. A NEW SECTION OF KRS CHAPTER 381 IS CREATED TO READ AS FOLLOWS:

In any instrument heretofore or hereafter executed purporting to sever the service and mineral estate or to grant a mineral estate or to grant a right to extract minerals, which fails to state or describe in express and specific terms the specific manner or method of coal extraction to be employed or where said instrument contains langauge subordinating the surface estate to the mineral estate, it shall be held, in the absence of clear and convincing evidence to the contrary, that the intention of the parties to the instrument was that the coal be extracted only in the principal manner or method of coal extraction prevailing in Kentucky at the time the instrument was executed and that the mineral estate be dominant to the surface estate only for the purposes of coal extraction in the principal manner or method of coal extraction prevailing in Kentucky at the time the instrument was executed."

and by renumbering Sections 28 and 29 accordingly.

On the roll call the vote was yeas 25-W. Allen, Bennett, Beshear, Boatwright, Brinkley, Brown, Cyrus, DeFalaise, Deskins, Dunn, Gray, Holbrook, Jones, Lindsay, Little, May, McKinney, Overstreet, Petty, Richards, Robinson, Romines, Van Horn, Weinberg, Wilborn. Nays 49-Adams, J. Allen, Bendl, Blandford, Blythe, Boswell, Bruce, Burnette, Carpenter, Clapp, Craddock, Davenport, DeMarcus, Dietz, Donnermeyer, Foster, Gay, Guy, Haering, Hancock, Head, Holloway, Hurst, Imes, Isler, Kenton, List, Marcum, McBee, McNutt, Morris, O'Brien, Patrick, Pearman, Priddy, B. Richardson, P. Richardson, Riner, Schmidt, Siemens, R. Smith, Stewart, Thomas, Tobin, Trevey, Turner, Wells, Wright, Yates.

Floor Amendment No. 1 to **SB 273** was rejected.

Representative Dawahare moved that the rules be suspended to allow consideration of Floor Amendment No. 7 filed today. Agreed.

Representative Dawahare moved the adoption of the following Floor Amendment NO. 7 to **SB 273:**

Amend printed copy of **SB 273,** page 47, line 3, by inserting the following:

"SECTION 28. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

Once the objectives set forth in sections 403 and 409 of the federal surface mining control and reclamation act of 1977, PL 95-87, have been met, fifty percent (50%) of all funds returned to the Commonwealth for the approved abandoned mine reclamation program shall be credited to the coal producing county development fund for distribution pursuant to Section 402 of such act."

On page 47, line 4, after the word "section" by changing "28" to "29"; and

On page 47, line 6, after the word "section" by changing "29" to "30".

On the roll call the vote was yeas 39-W. Allen, Blythe, Brinkley, Brown, Cyrus, Davenport, Dawahare, Deskins, Foster, Gay, Haering, Head, Holbrook, Kidd, Layman, LeMaster, List, Little, Marcum, May, McKinney, Nett, Noe, Overstreet, Patrick, Pearman, Rattliff, Riner, Robinson, Romines, Schmidt, F. Smith, Stewart, Stone, Thomas, Trevey, Van Horn, White, Wright. Nays 42-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, DeFalaise, Dietz, Donnermeyer, Dunn, Guenthner, Hancock, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Mann, McBee, McNutt, Morris, O'Brien, Richards, B. Richardson, Sale, Siemens, Tobin, Turner, Wells, Yates.

Floor Amendment No. 7 to **SB 273** was rejected.

Representative J. Allen moved that **SB 273,** as amended, be passed.

On the roll call the vote was yeas 79-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Weinberg, Wells, Wilborn, Wright, Yates. Nays 13-W. Allen, Dawahare, Guenthner, Head, Holbrook, Layman, Patrick, Pearman, Plummer, Riner, Robinson, Van Horn, White.

SB 273, as amended, was passed and the title agreed to.

Representative J. Allen moved that the vote by which **SB 273,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the clincher motion adopted on **SB 336** be removed. Agreed.

Representative B. Richardson moved that **SB 336** be reconsidered. Agreed.

Representative B. Richardson moved the adoption of the Committee Substitute to **SB 336.** Agreed.

Representative B. Richardson moved that **SB 336,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 64-Adams, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clarke, Craddock, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kenton, Kidd, LeMaster, List, Little, Mann, May, McBee, McKinney, McNutt, Morris, Nett, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Weinberg, Wells, Wright, Yates. Nays 8-Burnette, Gay, Layman, Lindsay, Pearman, Rattliff, F. Smith, Van Horn.

SB 336, by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 336,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 214, HB 331, HB 367, HB 399, HB 547, HB 555, HB 570, HB 622,** and **HB 766** had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 214, HB 331, HB 367, HB 399, HB 547, HB 555, HB 570, HB 622, and **HB 766** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

SB 317 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cyrus moved the adoption of the following Floor Amendment No. 1 to **SB 317:**

Amend printed copy of **SB 317,** page 12, between lines 1 and 2, by inserting the following Section 7:

"SECTION 7. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

The bureau of state police shall permit, and the bureau and the state treasurer shall implement, payroll deductions of dues to the Kentucky state police professional association when authorized by the employe requesting the payroll deduction.

Section 8. Section 7 of this Act shall become effective July 1, 1978."

And on page 12, line 2, change the number "(7)" to the number "(9)".

On the roll call the vote was yeas 37-J. Allen, Bennett, Benson, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Cyrus, Deskins, Dietz, Gray, Guy, Hines, Isler, Johnson, Kenton, LeMaster, Little, May, Morris, Noe, Overstreet, Pearman, Petty, Richards, Romines, Siemens, F. Smith, Stone, Thomas, Van Horn, Weinberg, Wilborn, Wiliams Worthington. Nays 46-Adams, W. Allen, Arnold, Bendl, Blythe, Burnette, Carpenter, Clapp, Clarke, Craddock, Davenport, DeFalaise, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Guenthner, Haering, Hancock, Head, Holloway, Hurst, Layman, Lindsay, List, Marcum, McBee, McNutt, Nett, O'Brien, Patrick, Plummer, B. Richardson, P. Richardson, Sale, Schmidt, R. Smith, Stewart, Tobin, Trevey, Turner, Wells, White, Wright, Yates.

Floor Amendment No. 1 to **SB 317** was rejected.

Representative Van Horn moved the adoption of the following Floor Amendment No. 2 to **SB 317:**

Amend printed copy of **SB 317**, page 3, line 26, by inserting the following after "*18*" and before "*provided*": "*,except laborers and light equipment operators in the department of transportation,*".

On the roll call the vote was yeas 34-J. Allen, Bendl, Bennett, Boswell, Brinkley, Brown, Burch, Davenport, Dawahare, Guy, Haering, Hancock, Head, Johnson, Kidd, LeMaster, List, Little, Marcum, May, Noe, Pearman, Petty, Romines, Schmidt, Siemens, F. Smith, Stone, Tobin, Van Horn, Weinberg, Williams, Worthington, Wright. Nays 40-Adams, W. Allen, Blythe, Carpenter, Clapp, Craddock, Cyrus, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Holloway, Hurst, Imes, Isler, Jones, Kenton, Layman, Lindsay, McBee, McNutt, Morris, O'Brien, Overstreet, Patrick, Plummer, B. Richardson, P. Richardson, Sale, Stewart, Trevey, Turner, Wells, Yates.

Floor Amendment No. 2 to **SB 317** was rejected.

On the roll call the vote was yeas 54-J. Allen, Bendl, Bennett, Blythe, Boatwright, Boswell, Brinkley, Burch, Burnette, Clapp, Craddock, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Head, Hines, Holloway, Hurst, Imes, Isler, Jones, Kenton, Kidd, Lindsay, List, Little, McBee, McKinney, McNutt, Morris, O'Brien, Pearman, Petty, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, R. Smith, Stewart, Stone, Turner, Wells, White, Yates. Nays 32-Adams, W. Allen, Benson, Beshear, Brown, Clarke, Cyrus, Fitzgerald, Guenthner, Haering, Hancock, Holbrook, Johnson, Layman, LeMaster, Mann, Marcum, May, Noe, Overstreet, Patrick, Plummer, Schmidt, F. Smith, Tobin, Trevey, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright.

SB 317 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 317** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 174, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that **SB 174** as previously amended be passed.

On the roll call the vote was yeas 70-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Burch, Burnette, Clapp, Clarke, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holloway, Hurst, Imes, Isler, Jones, Kenton, Kidd, LeMaster, List, Mann, May, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Wright, Yates. Nays 12-W. Allen, Dietz, Holbrook, Layman, Little, Marcum, Morris, Patrick, Pearman, Plummer, Rattliff, Tobin.

SB 174, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 174,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **SB 135** be laid on the Clerk's desk. Agreed.

SB 143, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that Committee Substitute to **SB 143** be adopted. Agreed.

Representative Beshear moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute to **SB 143:**

Amend printed copy of House Committee Substitute for General Assembly copy of **SB 143,** page 10, between lines 10 and 11, by inserting the following:

"Section 9. KRS 208.180 is amended to read as follows:

(1) If a *youthful offender* [child] tried on a felony charge in the circuit court, under *this Act* [paragraph (c) of subsection (5) of KRS 208.170] is convicted of a felony, and sentenced to imprisonment, he shall be committed to the custody of the bureau of corrections, except that in the case of a *youthful offender* [child] who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the *youthful offender* [child] to the department. In such case, if the period of the sentence imposed by the verdict would expire before the *youthful offender* [child] reaches twenty-one (21) years of age, the commitment to the department shall be for an indeterminate period not to exceed the age of twenty-one (21). If the period of the sentence imposed by the verdict would extend beyond the age of twenty-one (21), the commitment shall be to the department until the age of twenty-one (21), and thereafter to the custody of the bureau of corrections. In the latter case, if the *youthful offender* [child] is out on parole at the time he becomes twenty-one (21), he may be transferred to supervision of adult parole officers. However, if the parole is revoked he shall be returned to the custody of the bureau of corrections and shall thereafter be dealt with the same as an adult sentenced to the penitentiary.

(2) If a *youthful offender* [child] tried on a felony charge in the circuit court, under *this Act* [paragraph (c) of subsection (5) of KRS 208.170] is convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail, except that in the case of a *youthful offender* [child] who is under eighteen (18) years of age at the time of sentencing, the court in its discretion may commit the *youthful offender* [child] to the department, for an indeterminate period not to exceed the age of twenty-one (21) years."

And on page 10, line 11, by changing "9" to "10"; and

on page 16, line 11, by changing "10" to "11"; and

on page 17, line 14, by changing "11" to "12"; and

on page 17, line 24, by changing "12" to "13"; and

on page 18, line 24, by changing "13" to "14"; and

on page 19, line 18, by changing "14" to "15"; and

on page 20, line 22, by changing "15" to "16"; and

on page 21, line 1, by changing "16" to "17"; and

on page 22, line 17, by changing "17" to "18"; and

on page 23, lines 3 through 6 inclusive, by deleting said lines and inserting in lieu thereof the following:

"Section 19. (1) Sections 1 through 12, inclusive, of this Act and the repeal of KRS 208.170 and 208.194 shall be effective on the normal date for legislation passed by the 1978 Regular Session of the General Assembly.

(2) Sections 13 through 18, inclusive, of this Act and the repeal of KRS 208.180 shall be effective July 1, 1980."

And on page 23, line 7, by changing "19" to "20"; and

on page 23, line 10, by deleting "July 1, 1978" and inserting in lieu thereof "the normal date for legislation passed by the 1978 Regular Session of the General Assembly";

And on page 23, line 11, by changing "20" to "21".

Agreed.

Representative Beshear moved the adoption of the following Floor Amendment No. 2 to the Committee Substitute to **SB 143:**

Amend printed copy of House Committee Substitute for General Assembly copy of **SB 143,** page 6, line 14, by deleting "*The department of jus-*", and

on page 6, lines 15 and 16, by deleting the same.

Agreed.

Representative B. Richardson moved that **SB 143,** as amended, be passed.

Representative Priddy moved that the rules be suspended to consider Floor Amendment No. 4 to **SB 143** and waive the twenty-four hour filing provision.

On the roll call the vote was yeas 62-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Clapp, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Layman, LeMaster, Marcum, May, McNutt, Morris, O'Brien, Patrick, Pearman, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Schmidt, Siemens, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, White, Wright, Yates. Nays 12-Clarke, Donnermeyer, Hines, Johnson, Mann, McBee, Noe, Petty, F. Smith, Thomas, Wilborn, Williams.

The motion that the rules be suspended was adopted.

Representative Priddy moved the adoption of the following Floor Amendment No. 4 to **SB 143:**

Amend printed copy of Committee Substitute for **SB 143,** page 23, by inserting after line 2 the following:

"Section 18. KRS 503.090 is amended to read as follows:

(1) The use of physical force by a defendant upon another person is justifiable when the defendant, acting under official authority, is making or assisting in making an arrest, and he:

(a) Believes that such force is necessary to effect the arrest;

(b) Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested; and

(c) Believes the arrest to be lawful.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when:
(a) The defendant, in effecting the arrest, is authorized to act as a peace officer; and

(b) The arrest is for a *capital offense, or a Class A or Class B* felony [involving the use or threatened use of physical force likely to cause death or serious physical injury]; and

(c) The defendant believes that the person to be arrested is *dangerous to the physical well-being of the peace officer or other persons and immediate action is required* [likely to endanger human life unless apprehended without delay].

(3) The use of physical force, including deadly physical force, by a defendant upon another person is justifiable when the defendant is preventing the escape of an arrested person *whom he has probable cause to believe has committed a capital offense or a Class A or Class B felony* [and when the force could justifiably have been used to effect the arrest under which the person is in custody], except that a guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be necessary to prevent the escape of a person from jail, prison, or other institution for the detention of persons charged with or convicted of a crime."

And by renumbering Section 18 and Section 19 as Section 19 and Section 20.

On the roll call the vote was yeas 58-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Blandford, Blythe,Boatwright, Boswell, Bruce, Burch, Burnette, Clapp, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Layman, LeMaster, Lindsay, List, Marcum, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, B. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, R. Smith, Stewart, Trevey, Turner, Wells, White, Wright, Yates. Nays 26-Benson, Beshear, Clarke, Craddock, Donnermeyer, Gray, Hancock, Hines, Johnson, Kenton, Kidd, Mann, McBee, McNutt, Morris, Noe, Petty, Richards, F. Smith, Thomas, Tobin, Van Horn, Weinberg, Wilborn, Williams, Worthington.

Floor Amendment No. 4 to **SB 143** was adopted.

Representative B. Richardson moved that **SB 143,** as amended, be pased.

On the roll call the vote was yeas 52-J. Allen, Bennett, Beshear, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Davenport, DeFalaise, DeMarcus, Dunn, Fitzgerald, Foster, Guy, Haering, Holbrook, Holloway, Imes, Isler, Jones, Kenton, LeMaster, Lindsay, McBee, Morris, O'Brien, Patrick, Pearman, Petty, Priddy, B. Richardson, P. Richardson, Robinson, Robines, Siemens, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Wells, White, Wright, Yates. Nays 28-Adams, W. Allen, Arnold, Bendl, Benson, Clarke, Cyrus, Gray, Hancock, Head, Hines, Johnson, Kidd, Layman, Mann, Marcum, May, McNutt, Noe, Richards, Riner, Sale, Schmidt, Thomas, Weinberg, Wilborn, Williams, Worthington.

SB 143, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 143,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 332 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative O'Brien moved that **SB 332** be passed.

On the roll call the vote was yeas 52-Adams, J. Allen, W. Allen, Bennett, Blandford, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Cyrus, Davenport, Dawahare, Deskins, Donnermeyer, Dunn, Gray, Guenthner, Guy, Haering, Holloway, Imes, Isler, Jones, Kenton, Layman, List, Little, May, McBee, Morris, O'Brien, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, F. Smith, Stewart, Trevey, Turner, Van Horn, Wells, White, Wright, Yates. Nays 27-Arnold, Bendl, Benson, Beshear, Blythe, Clarke, Fitzgerald, Foster, Hancock, Hines, Kidd, LeMaster, Lindsay, Mann, McNutt, Patrick, Pearman, Sale, Schmidt, Siemens, Stone, Thomas, Tobin, Weinberg, Wilborn, Williams, Worthington.

SB 332 was passed and the title agreed to.

Representative O'Brien moved that the vote by which **SB 332** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **SB 135** be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

SB 135 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 66-J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Marcum, May, McBee, Morris, Noe, O'Brien, Petty, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 14-Adams, Brown, Burnette, Head, Holbrook, LeMaster, Lindsay, List, Patrick, Pearman, Plummer, Rattliff, Robinson, Tobin.

SB 135 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 135** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 281, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blandford moved the adoption of the following Floor Amendment No. 1 to **SB 281:**

Amend printed copy of **SB 281,** page 17, line 4, by deleting the words "engages in activities" and substituting therefor the following: "extracts coal"; and

on page 18, line 20, by deleting the words "engages in activities" and substituting therefor the following: "extracts coal".

Agreed.

Representative Blandford moved the adoption of the Committee Amendment No. 1 to **SB 281.** Agreed.

Representative Blandford moved that **SB 281,** as amended, be passed.

On the roll call the vote was yeas 63-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hurst, Imes, Isler, Johnson, Kenton, LeMaster, List, Marcum, May, McNutt, Noe, O'Brien, Overstreet, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Weinberg, Wilborn, Williams, Wright, Yates. Nays 12-Dawahare, Holbrook, Little, Patrick, Pearman, Riner, Robinson, Stewart, Trevey, Turner, Van Horn, White.

SB 281, as amended, was passed and the title agreed to.

Representative Blandford moved that the vote by which **SB 281,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 192, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved the adoption of the following Floor Amendment No. 1 to **SB 192:**

Amend printed copy of Committee Substitute for **SB 192,** page 28, after line 9, by adding the following:

"SECTION 25. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

(1) Except for the powers conferred by KRS 227.220(2)(a), the rights, powers and privileges granted under this Act to the State Fire Marshal shall not apply to any single family dwelling in this Commonwealth.

(2) Any city, county or urban county government of the Commonwealth may extend, by ordinance, the application of this Act to those single family dwellings exempted under subsection (4) of Section 1."

Agreed.

Representative Imes moved that the rules be suspended to consider the following Floor Amendment No. 2 to **SB 192** filed today:

Amend printed copy of **SB 192,** page 28, after line 19, by inserting the following:

"SECTION 26. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

All mobile homes located in mobile home parks containing three or more such mobile homes shall be underpinned for purposes of fire safety according to regulations promulgated by the state fire marshal."

On the roll call the vote was yeas 46-Adams, Bennett, Blandford, Boswell, Brinkley, Bruce, Carpenter, Clapp, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Haering, Holloway, Imes, Isler, Jones, List, McBee, Morris, Noe, O'Brien, Plummer, Priddy, Richards, Riner, Romines, Sale, Schmidt, Stewart, Stone, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Yates. Nays 6-Blythe, Burnette, Little, May, Patrick, Pearman.

The motion that the rules be suspended to consider Floor Amendment No. 2 to **SB 192** was rejected.

Representative B. Richardson moved that Floor Amendment No. 1 to **SB 192** be reconsidered. Agreed.

Representative B. Richardson moved the adoption of Committee Amendment No. 1 to **SB 192.** Agreed.

Representative B. Richardson moved that **SB 192,** as amended, be passed.

On the roll call the vote was yeas 60-J. Allen, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Carpenter, Clapp, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, List, Little, Mann, McBee, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Thomas, Tobin, Turner, Van Horn, Wells, Worthington, Yates. Nays 13-Adams, Bendl, Brown, Hancock, Hurst, Lindsay, Marcum, May, Patrick, Pearman, Rattliff, Riner, Weinberg.

SB 192, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 192,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their positions. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 334, SB 290, SB 288, SB 268, SB 219, SB 206, SB 48, SB 305, SB 94,** and **SB 32** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Motions, Petitions and Communications

Representative B. Richardson moved that when the House adjourns, it do so by voice vote. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so until 10 a.m., March 17, 1978. Agreed.

Representative McBee moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative McBee moved that he be recorded as voting "nay" on **SB 174.** Agreed.

Representative Cyrus moved the adoption of the following Legislative Citation No. 72. Agreed.

The House of Representatives hereby honors Kevin Sloas for his attainment of the rank of Eagle Scout in the Boy Scouts of America. Kevin Sloas exemplifies the outstanding character, perseverance, achievement and ambition which the Eagle Scout Award has always denoted. This body congratulates Kevin Sloas for recently receiving this recognition of his efforts and welcomes his performance as page of this body on this day. (Sponsored by Representative Cyrus)

Representative Patrick moved the adoption of the following Legislative Citation No. 68. Agreed.

The House of Representatives hereby congratulates the Anderson County High School "Lady Cats" Basketball team and their excellent coach for their outstanding performance. They were Championship winners of the Eighth Region Tournament and earned a spot in the Girls' Sweet 16. We commend them for their great team effort, competition and competency demonstrated. We are proud of the distinction they brought to themselves, their school, community, and the Commonwealth of Kentucky. We extend our very best wishes for their continued success. (Sponsored by Representative Sale)

Representative Blandford moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Blandford moved that he be recorded as voting "yea" on **SB 119.** Agreed.

Representative Blythe moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Blythe moved that he be recorded as voting "nay" on **HJR 20.** Agreed.

Representative Brinkley moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Brinkley moved that he be recorded as voting "nay" on **SB 317.** Agreed.

Representative Stone moved that the rules be suspended for the purpose of recording a vote. Agreed.

(Representative Stone failed to file the proper form with the Clerk.)

Representative Boswell moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Boswell moved that he be recorded as voting "yea" on **SB 119.** Agreed.

Representative Gray moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Gray moved that he be recorded as voting "yea" on **SB 184.** Agreed.

Representative B. Richardson moved that following the recess, no business be conducted other than Report of Committees, Enrollment of Bills and Resolutions and Announcements. Agreed.

Recess

Representative B. Richardson moved that the House recess for five minutes for Rules Committee meeting. Agreed.

At the appointed hour, Representative Brinkley resumed the Chair and called the House to order.

Reference of Bills and Resolutions

The Clerk announced the Committee on Committees has referred the following Bills and Resolutions.

Appropriations and Revenue: **SB 100.**

Health and Welfare: **HR 131, HR 133, HR 136.**

Public Utilities and Transportation: **SB 205.**

Report of Committees

The Committee on Rules reported that **HR 128** and **SB 266** have been posted for passage in Orders of the Day March 17, 1978.

The Committee on Appropriations and Revenue reported **SCR 55** and **SB 178** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

Introduction of Bills and Resolutions

HR 138, by Representatives DeFalaise, Petty, Dietz, Crupper and Isler: A RESOLUTION to adjourn in honor of the Covington Holmes High School basketball team.

Announcements

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions.

Floor Amendment No. 3 to **SB 41** by Representative Hines.

Floor (Title) Amendment NO. 3 to **SB 42** by Representative Yates.

Floor Amendment No. 3 to **SB 42** by Representative Yates.

Floor Amendment No. 3 to **SB 143** by Representative Priddy.

Floor Amendment No. 4 to Committee Substitute for **SB 143,** by Representative Priddy.

Floor Amendment No. 7 to **SB 173** by Representative DeFalaise.

Floor Amendment No. 2 to **SB 192** by Representative Guenthner.

Floor Amendment No. 7 to **SB 273** by Representtive Dawahare.

Floor Amendment No. 16 to Committee Substitute for **SB 289** by Representative Clarke.

Floor Amendment No. 2 to **SB 320** by Representative White.

Adjournment

Representative J. Allen moved that the House adjourn until 10 a.m., March 17, 1978.

The motion to adjourn was adopted by voice vote.

FRIDAY, MARCH 17, 1978

FIFTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend John Protest, Stovall United Methodist Church, Radcliff.

The roll was called. All present except Representative Gay.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Brinkley moved that the reading of the Journal of March 16, 1978, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 139, by Representative Riner: A RESOLUTION relating to human rights.

Calendar

HR 130, SB 359, and **HR 127** taken from the Calendar and read at length for the second time. Representative B. Richardson moved that they be read by title only. Ordered referred to the Committee on Rules.

Senate Message

Announcing passage of **HB 337, HB 339, HB 372, HB 382, HB 375, HB 423, HB 441, HB 458, HB 468, HB 474, HB 476, HB 481, HB 496, HB 501, HB 502, HB 526, HB 534, HB 545, HB 573, HB 618, HB 643, HB 650, HB 651, HB 657, HB 660, HB 676, HB 684, HB 702, HB 704, HB 722, HB 727, HB 757, HR 16, HR 61, HR 78, HR 79, HR 86, HR 88, HR 96, HR 102, HR 116, HB 519** with Amendment, **HB 79** with Amendment, **HB 33** with Amendments, **HB 150** with Amendments, **HB 515** with Amendment, **HB 256** with Amendment, **HB 713** with Amendment, **HB 269** with Amendment, **HB 549** with Amendment, **HB 752** with Amendment, **HB 617** with Amendment, **HB 187** with Amendment, **HB 332** with Amendments, **HB 405** with Amendments, **HB 578** with Amendment, **HB 200** with Amendment, **HB 188** with Amendments, **HB 607, HB 17, HB 110, HB 114, HB 143, HB 182, HB 202, HB 233, HB 245, HB 262, HB 317, HB 603** with Amendments, **HB 623** with Amendment, **HB 384** with Amendment, **HB 1** with Committee Substitute, **HB 661, HB 644,** and **HB 548.**

Orders of the Day

HB 64, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 64:**

Amend printed copy of **HB 64** as follows: page 3, line 19, by inserting after the word "conduct" the word "quarterly".

Agreed.

Representative B. Richardson moved that **HB 64,** as amended, be passed.

On the roll call the vote was yeas 72-Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, May, Maynard, McNutt, Noe, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Turner, Van Horn, White, Wilborn, Wright, Yates. Nays 0.

HB 64, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 64**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 67, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 67**:

Amend printed copy of **HB 67** as follows: page 1, line 18, by deleting “,”;

and on page 1, by deleting lines 19 and 20 in their entirety, and submitting in lieu thereof the following: “ *one breathalizer and simulating unit for each county paid for by state funds.*”

Agreed.

Representative Romines moved that **HB 67**, as amended, be passed.

On the roll call the vote was yeas 68-Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Haering, Hancock, Head, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Layman, LeMaster, Little, Mann, May, Maynard, McKinney, McNutt, Morris, Noe, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, . Richardson, P. Richardson, Riner, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Wilborn, Wright, Yates. Nays 1-Trevey.

HB 67, as amended, was passed and the title agreed to.

Representative Romines moved that the vote by which **HB 67**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 68, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative LeMaster moved that the House concur in the following Senate Amendments to **HB 68**:

Amend printed copy of **HB 68** as follows: Senate Amendment 1, page 1, following line 16, insert the following:

“SECTION 2. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

(1) The legislative body of urban-county governments may appoint as needed safety officers. Safety officers shall have such duties as prescribed by ordinance, which may include but not be limited to:

(a) Issuance of citations for violation of motor vehicle offenses as provided for in KRS chapters 186 and 189, provided that safety officers shall not have the authority to issue citations for moving violations.

(b) Issuance of citations for violation of any motor vehicle or traffic safety ordinance of the urban-county government wherein he has been appointed.

(c) Investigation and reporting of vehicle accidents, where a fatality is not involved, as provided for in KRS 189.645.

(d) Control and direction of traffic on public thoroughfares.

(e) Removal of vehicles in violation of state or local law consistent with such laws.

(2) The ordinance prescribing the duties of safety officers shall set out in particular the urban-county ordinances and the sections of KRS chapters 186 and 189 for which citation authority will exist.

(3) A safety officer may issue a citation for a misdemeanor or a violation committed in his presence as provided for in this section. The procedures for such citations shall be the same as provided in KRS 431.015.

(4) Safety officers appointed by authority of this section shall have only the limited powers as provided by this section and shall not have the powers of peace officers to make arrests or carry deadly weapons.

(5) Safety officers shall successfully complete one hundred twenty (120) hours of appropriate training certified by the Kentucky law enforcement council prior to being appointed as a safety officer.

(6) Safety officers shall be compensated and receive employment benefits as provided for by urban-county ordinance."

Senate Amendment 4, page 1, line 16, by adding after line 16, the following new section:

SECTION 3. A NEW SECTION OF KRS 67A IS CREATED TO READ AS FOLLOWS:

(1) In order to provide professional assistance in the administration of urban county governments, a chief administrative officer may be employed to serve on the staff of the chief executive officer. The chief administrative officer shall possess demonstable educational and/or professional experience in the art and science of governmental management. The chief administrative officer may be a nonresident of Kentucky and/or the urban county, but must become a resident of the urban county within six (6) months of appointment and shall maintain such residence during the tenure of his or her office.

(2) The chief administrative officer shall be appointed by the chief executive officer subject to confirmation by a vote of three-fifths of the legislative body.

(3) The chief administrative officer of an urban county government may be removed, with or without cause, by: (a) executive order of the chief executive officer; or (b) three-fifths vote of the entire legislative body.

(4) Upon removal, the chief administrative officer shall not be entitled to severance pay or notice of intention to remove him or her."

Agreed.

Representative B. Richardson moved that **HB 68,** as amended, be passed.

On the roll call the vote was yeas 63-Adams, Arnold, Bennett, Beshear, Blandford, Blythe, Brinkley, Brown, Burch, Carpenter, Clarke, Craddock, Cyrus, Davenport, Dawahare, Dietz, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, List, Little, May, McNutt, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, F. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 8-W. Allen, Boatwright, Boswell, Crupper, Layman, Lindsay, Pearman, Plummer.

HB 68, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 68,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 89, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 89:**

Amend printed copy of **HB 89** as follows: Senate Amendment 1, page 1, line 15, by inserting after the word "*waives*" the words "*in writing*"

Senate Amendment 2, page 2, line 9, by inserting after the word "*waives*" the words "*in writing*".

Agreed.

Representative B. Richardson moved that **HB 89,** as amended, be passed.

On the roll call the vote was yeas 68-Adams, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, List, Little, Maynard, McKinney, McNutt, Morris, Noe, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 89, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 89,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 23, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Romines moved that the House concur in the following Senate Amendment to **HB 23:**

Amend printed copy of **HB 23** as follows: page 4, following line 11, to read as follows:

"(5) To ensure that the provisions of this act are fully understood by the citizens of the Commonwealth, an intensive campaign to inform all Kentuckians of this change shall be undertaken by the department of trasnportation's office of public information utilizing the statewide news media, especially Kentucky Educational Television (KET). This campaign shall begin the date this law becomes effective and shall be thirty (30) days in duration."

Agreed.

Representative Romines moved that **HB 23,** as amended, be passed.

On the roll call the vote was yeas 63-Adams, W. Allen, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Gray, Guenthner, Guy, Hancock, Head, Hines, Holloway, Hurst, Isler, Johnson, Jones, Kenton, LeMaster, Lindsay, List, May, Maynard, McKinney, McNutt, Noe, Overstreet, Pearman, Petty, Plummer, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Van Horn, Weinberg, White, Williams, Worthington, Wright, Yates. Nays 9-Arnold, Foster, Haering, Holbrook, Imes, Layman, Little, Morris, Wilborn.

HB 23, as amended, was passed and the title agreed to.

HB 31, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 31:**

Amend printed copy of **HB 31** as follows: page 4, lines 17 and 18, on page 4, line 17, after the word "office" by deleting the remainder of the line;

On page 4, line 18, by deleting line 18.

Agreed.

Representative B. Richardson moved that **HB 31,** as amended, be passed.

On the roll call the vote was yeas 59-Benson, Beshear, Blandford, Boatwright, Bruce, Burch, Carpenter, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Head, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, May, Maynard, McKinney, Morris, Noe, O'Brien, Overstreet, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, White, Worthington, Wright, Yates. Nays 16-Adams, W. Allen, Boswell, Brinkley, Cyrus, Gray, Holbrook, Imes, Lindsay, Patrick, Pearman, Plummer, Rattliff, Schmidt, Trevey, Wilborn.

HB 31, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 31,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 48, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 48:**

Amend printed copy of **HB 48** as follows: page 2, line 14, following the word "than" delete the words "ten (10)" and insert therefor "twenty (20)".

Agreed.

Representative B. Richardson moved that **HB 48,** as amended, be passed.

On the roll call the vote was yeas 71-Adams, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, List, Little, May, Maynard, McNutt, Morris, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 1-Imes.

HB 48, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 48,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 12, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 12:**

Amend printed copy of **HB 12** as follows: Senate Amendment 1, page 3, after line 16, by adding the following:

"*(13) Gasoline, special fuels, and liquefied petroleum gas used to operate or propel stationary engines or tractors for agricultural purposes. As used in this subsection:*

(a) "Gasoline" is defined as in KRS 138.210(4);

(b) "Special fuels" is defined as in KRS 138.560(3);

(c) "Liquefied petroleum gas" is defined as in KRS 234.100(1); and

(d) "Agricultural purposes" is defined as in KRS 138.343(4)."

Agreed.

Representative B. Richardson moved that **HB 12,** as amended, be passed.

On the roll call the vote was yeas 84-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McKinney, McNutt, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 12, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 12,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 155, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 155:**

Amend printed copy of **HB 155** as follows: page 11, lines 8 through 26, by deleting those lines in their entirety;

page 12, lines 1 through 26, by deleting those lines in their entirety;

page 13, lines 1 through 26, by deleting those lines in their entirety;

page 14, lines 1 through 26, by deleting those lines in their entirety;

page 15, lines 1 through 10, by deleting those lines in their entirety.

Agreed.

Representative B. Richardson moved that **HB 155,** as amended, be passed.

On the roll call the vote was yeas 73-Adams, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, May, Maynard, McNutt, Morris, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, White, Wilborn, Worthington, Yates. Nays 1-Pearman.

HB 155, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 155,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 25, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 25:**

Amend printed copy of **HB 25** as follows:

Page 7, line 10, delete lines 10 through 26 in its entirety;

Page 8, line 1, delete lines 1 through 26 in its entirety;

Page 9, line 1, delete lines 1 through 26 in its entirety;

Page 10, line 1, delete lines 1 through 26 in its entirety;

Page 11, line 1, delete lines 1 through 26 in its entirety;

Page 12, line 1, delete lines 1 through 26 in its entirety;

Page 13, line 1, delete lines 1 through 26 in its entirety;

Page 14, line 1, delete lines 1 through 26 in its entirety;

Page 15, line 1, delete lines 1 through 26 in its entirety;

Page 16, line 1, delete lines 1 through 26 in its entirety;

Page 17, line 1, delete lines 1 through 26 in its entirety;

Page 18, line 1, delete lines 1 through 3 in its entirety;

Page 18, line 4, "Section 5" becomes "Section 3";

Page 18, line 15, "Section 6" becomes "Section 4";

Page 20, line 16, "Section 7" becomes "Section 5";

Page 21, line 18, "Section 8" becomes "Section 6";

Page 24, line 19, "Section 9" becomes "Section 7";

Page 28, line 18, "Section 10" becomes "Section 8";

Page 30, line 12, "Section 11" becomes "Section 9";

Page 30, line 24, "Section 12" becomes "Section 10";

Page 34, line 12, "Section 13" becomes "Section 11";

Page 37, line 11, "Section 14" becomes "Section 12".

Agreed.

Representative B. Richardson moved that **HB 25,** as amended, be passed.

On the roll call the vote was yeas 50-J. Allen, Bendl, Bennett, Boatwright, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Guy, Haering, Hancock, Holbrook, Imes, Isler, Johnson, Kenton, LeMaster, Little, Mann, Morris, Noe, Patrick, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Weinberg, White, Yates. Nays 30-Adams, W. Allen, Arnold, Beshear, Boswell, Clarke, Crupper, DeMarcus, Dunn, Foster, Gray, Guenthner, Head, Hurst, Jones, Kidd, Layman, Lindsay, List, May, Maynard, McNutt, Pearman, Plummer, Romines, Tobin, Van Horn, Wilborn, Worthington, Wright.

HB 25, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 25**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 35, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 35**:

Amend printed copy of **HB 35** as follows: page 5, line 19, by deleting the brackets from the words " [practice dental hygiene nor]".

Agreed.

Representative B. Richardson moved that **HB 35**, as amended, be passed.

On the roll call the vote was yeas 53-J. Allen, Arnold, Bendl, Bennett, Blythe, Boswell, Brinkley, Burch, Burnette, Carpenter, Clapp, Cyrus, Davenport, DeFalaise, Deskins, Donnermeyer, Fitzgerald, Gray, Guenthner, Guy, Haering, Holbrook, Holloway, Isler, Johnson, Kenton, Kidd, LeMaster, Little, May, Maynard, Morris, Noe, O'Brien, Patrick, Pearman, Petty, Priddy, B. Richardson, Riner, Romines, Sale, F. Smith, R. Smith, Stone, Tobin, Trevey, Turner, Weinberg, White, Williams, Worthington, Yates. Nays 16-Adams, W. Allen, Brown, Crupper, Foster, Layman, List, McKinney, McNutt, Overstreet, Plummer, Rattliff, Richards, P. Richardson, Van Horn, Wilborn.

HB 35, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 35**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 36, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Kidd moved that the House concur in the following Senate Amendment to **HB 36**:

Amend printed copy of **HB 36** as follows: Senate Amendment 1, page 6, line 16, by inserting after the word bylaws and before the period the following: "*, but any such charges shall not exceed five cents for $1 of each installment more than ten days in arrears, and only one delinquency charge shall be made on any one installment. No delinquency charge shall exceed $5 on any one installment.*"

Senate Amendment 2, page 7, by adding the following after line 7:

SECTION 7. A NEW SECTION OF KRS CHAPTER 290 IS CREATED TO READ AS FOLLOWS:

Merger. Any credit union may, with the approval of the Commissioner, merge with any other credit union chartered by this Commonwealth or operated under the provisions of the Federal Credit Union Act. Such merger shall be approved by the credit union to be merged/absorbed and the continuing credit union pursuant to the provisions set forth in KRS Chapter 271A."

Representative Lindsay moved that the House recess for one hour.

On the roll call the vote was yeas 11-Bennett, Beshear, Blythe, Burnette, Clarke, Dawahare, Foster, Holbrook, Lindsay, Morris, Wilborn. Nays 59-Adams, J. Allen, W. Allen, Bendl, Boatwright, Boswell, Brinkley, Bruce, Burch, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hancock, Imes, Isler, Johnson, Kenton, Kidd, Layman, List, Little, Mann, May, Maynard, McBee, McNutt, Noe, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, White, Williams, Wright.

The motion to recess was rejected.

On the roll call the vote was yeas 29-Bendl, Bennett, Blandford, Blythe, Boswell, Brown, Burch, Carpenter, Cyrus, Dawahare, Gray, Haering, Hancock, Hines, Johnson, Jones, Kidd, Kleier, Maynard, McNutt, Morris, O'Brien, Priddy, Siemens, F. Smith, Thomas, Tobin, Williams, Yates. Nays 45-Adams, J. Allen, Arnold, Benson, Beshear, Bruce, Burnette, Clapp, Clarke, Crupper, DeFalaise, Dietz, Dunn, Foster, Guy, Head, Holbrook, Holloway, Imes, Isler, LeMaster, List, Little, May, McBee, McKinney, Noe, Pearman, Petty, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Stewart, Stone, Trevey, Turner, Van Horn, White, Wilborn, Worthington.

The motion that the House concur in the Senate Amendment to **HB 36** was rejected.

HB 39, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Gray moved that the House concur in the Senate Amendment to **HB 39:**

Amend printed copy of **HB 39** as follows: Senate Amendment No. 1, page 2, by inserting the following after line 3:

"Section 2. KRS 337.285 is amended to read as follows:

No employer shall employ any of his employes for a workweek longer than forty (40) hours, unless such employe receives compensation for his employment in excess of forty (40) hours in a workweek at a rate of not less than one and one-half (1 1/2) times the hourly wage rate at which he is employed. This provision does not apply to employes of retail stores engaged in work connected with selling, purchasing and distributing merchandise, wares, goods, articles or commodities or to employes of restaurant, hotel and motel operations or to employes as defined and exempted from the overtime provision of the fair labor standards act in section *213(b)(10) and section* 213(b)(17) of title 29,".

Agreed.

Representative B. Richardson moved that **HB 39,** as amended, be passed.

On the roll call the vote was yeas 74-J. Allen, W. Allen, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, May, McBee, McKinney, Morris, Noe, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 5-Adams, Bendl, Hines, McNutt, Tobin.

HB 39, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 39,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 98, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 98:**

Amend printed copy of **HB 98** as follows: Senate Amendment No. 1, page 2, line 7, by deleting the brackets around the word "education";

Senate Amendment No. 2, page 4, line 21, insert after the word "individuals", the phrase "*agencies or organizations*";

and on page 4, line 25, after the word "representative" insert: "*If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency. If the report is made to any agency other than the bureau, such agency shall promptly refer the report to the bureau.*"

and on page 5, line 1, insert after the word "shall" the phrase "*upon receipt of the initial report*";

and on page 8, line 11, insert the phrase "*or other appropriate medical diagnostic procedures*" after the word "x-rays";

and on page 8, line 15, insert the phrase "*or results of other medical diagnostic procedures*" after the word "x-rays".

Senate Amendment No. 3, page 34, after line 15 by inserting the following language:

"Section 16. KRS 385.041 is amended to read as follows:

(1) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(2) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen (14) years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of *eighteen (18)* [twenty-one (21)] years or, if the minor dies before attaining the age of *eighteen (18)* [twenty-one (21)] years, he shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in KRS 385.011 to 385.101.

(6) The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for (Name of minor) under the Kentucky Uniform Gifts to Minors Act." The custodian shall hold all money which is custodial property in an account with a broker or in an insured financial institution in the name of the custodian, followed, in substance, by the words: "as custodian for (Name of minor) under the Kentucky Uniform Gifts to Minors Act." The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen (14) years.

(9) A custodian has with respect to the custodial property, in addition to the rights and powers provided in KRS 385.011 to 385.101, rights and powers which a guardian has with respect to property not held as custodial property.

(10) If the subject of the gift is a life insurance policy or annuity contract, the custodian:

(a) has, in his capacity as custodian, all the incidents of ownership, in the policy or contract to the extent as if he were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom he is acting; and

(b) may pay premiums on the policy or contract out of the custodial property.

Section 17. KRS 385.071 is amended to read as follows:

(1) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A custodian may designate his successor by executing and dating an instrument of designation before a subscribing witness other than the successor; the instrument of designation may but need not contain the resignation of the custodian. If the custodian does not so designate his successor before he dies or becomes legally incapacitated and the minor has attained the age of fourteen (14) years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by KRS 385.011 to 385.101.

(2) The designation of a successor custodian as provided in subsection (1) takes effect as to each item of the custodian property when the custodian resigns, dies or becomes legally incapacitated and the custodian or his legal representative:

(a) causes the item, if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with the issuing insurance company in the case of a life insurance policy or annuity contract, in the name of the successor custodian, followed, in substance, by the words: "as custodian for ---------- (Name of minor) under the Kentucky Gifts to Minors Act"; and

(b) delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof to the successor custodian.

(3) A custodian who executes an instrument of designation of his successor containing the custodian's resignation as provided in subsection (1) shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in the instrument. The legal representative of a custodian who dies or becomes legally incapacitated shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in an instrument of designation executed as provided in subsection (1) by the custodian or, if none, by the minor if he has no guardian and has attained the age of fourteen (14) years, or in the possession and control of the guardian of the minor if he has a guardian. If the custodian has executed as provided in subsection (1) more than one instrument of designation, his legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

(4) If a person designated as custodian or as successor custodian as provided in subsection (1) is not eligible, dies or becomes legally incapitated before the minor attains the age of *eighteen (18)* [twenty-one (21)] years and if the minor has a guardian, the guardian of the minor shall be successor custodian. If the minor has no guardian and if no successor custodian who is eligible and has not died or become legally incapacitated has been designated as provided in subsection (1), a donor, his legal representative, the legal representative of the custodian or an adult member of the minor's family may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, a successor custodian, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen (14) years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(6) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor."

and on page 34, line 16, by deleting "16" and inserting in lieu thereof "18".

The motion that the House concur in the Senate Amendment to **HB 98** was rejected.

HB 99, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House refuse to concur in the following Senate Amendment to **HB 99:**

Amend printed copy of **HB 99** as follows: Senate Amendment 1, page 2, line 5, after the word "*evidence*" insert the word "*and*"

and on line 5 by deleting the bracket;

and on line 7 by deleting the bracket;

Senate Amendment 2, page 2, line 8, by adding a new section 3 to read as follows:

"Section 3. KRS 202A.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Authorized staff physician" means a physician who is a bona fide member of the hospital's medical staff;

(2) "Department" means the Kentucky department for human resources;

(3) "Forensic psychiatric facility" means a mental institution or facility, or part thereof, designated by the secretary for the purpose and function of providing in-patient evaluation, care and treatment for mentally ill or mentally retarded persons who have been charged with or convicted of a felony;

(4) "Hospital" means a state mental hospital or institution or other public or private hospital, institution, health care facility, or part thereof, other than designated forensic psychiatric facilities, licensed and approved by the Kentucky department for human resources as equipped to provide residential care and treatment for mentally ill or mentally retarded persons; and which is a part of, or has affiliation agreements with, the department for the care of such persons;

(5) "Immediate danger" or "immediate threat of danger to self or others" means substantial physical harm or immediate threat of substantial physical harm upon self or others, including actions which deprive self or others of the basic means of survival including provision for reasonable shelter, food or clothing;

(6) "Least restrictive alternative mode of treatment" means that treatment which will give a mentally ill or a mentally retarded individual a realistic opportunity to improve his level of functioning, consistent with accepted professional practice in the least confining setting available;

(7) "Mentally ill person" means a person with substantially impaired capacity to use self-control, judgment or discretion in the conduct of his affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior or emotional symptoms can be related to physiological, psychological and/or social factors;

(8) "Patient" means a person under observation, care or treatment in a hospital pursuant to the provisions of this chapter;

(9) "Physician" means a person licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of his official duties;

(10) "Qualified mental health professional" means:

(a) a psychologist licensed under provisions of KRS Chapter 319;

(b) a licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons;

(c) a certified social worker licensed under the provisions of KRS Chapter 335 or accredited by the academy of certified social workers, with two (2) years of clinical experience with mentally ill persons;

(d) a psychologist with a master's degree from an accredited institution who has been awarded a certificate of qualification by the Kentucky board of examiners of psychologists under the provisions of KRS Chapter 319, with two (2) years of clinical experience with mentally ill persons; or

(e) other professional persons with similar training and experience who are qualified according to regulations promulgated by the secretary to participate in 72-hour involuntary hospitalization procedures under this chapter;

(11) "Residence" means legal residence as determined by applicable principles governing conflicts of laws;

(12) "Respondent" means a person alleged in a hearing under this chapter to be a mentally ill person or a mentally retarded person;

(13) "Secretary" means the secretary of the department for human resources;

(14) "Treatment" means care or habilitation provided by mental health professionals, mental retardation professionals, and others, that is adequate and appropriate for the needs of the mentally ill person or the mentally retarded person."

Agreed.

HB 100, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 100:**

HB 100, AN ACT relating to licensing and public employment qualifications.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS CHAPTER 335B IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

AS used in this Act, unless the context requires otherwise:

(1) "Occupation" includes all occupations, trades, vocations, professions, businesses, or employment of any kind for which a license is required to be issued by the Commonwealth of Kentucky, its agencies, or political subdivisions.

(2) "License" includes all licenses, permits, certificates, registrations, or other means required to engage in an occupation which are granted or issued by the Commonwealth of Kentucky, its agents or political subdivisions before a person can pursue, practice, or engage in any occupation.

(3) "Public employment" includes all employment with the Commonwealth of Kentucky, its agencies, or political subdivisions.

(4) "Conviction of crime" shall be limited to convictions of felonies, high misdemeanors, and misdemeanors for which a jail sentence may be imposed. No other criminal conviction shall be considered unless moral turpitude is involved.

(5) "Hiring or licensing authority" shall mean the person, board, commission, or department of the Commonwealth of Kentucky, its agencies or political subdivisions, responsible by law for the hiring of persons for public employment or the licensing of persons for occupations.

SECTION 2. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO READ AS FOLLOWS:

(1) No person shall be disqualified from public employment, nor shall a person be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely because of a prior conviction of a crime, unless the crime for which convicted is one described in Section 1(4) of this Act or otherwise directly relates to the position of employment sought or the occupation for which the license is sought.

(2) In determining if a conviction directly relates to the position of public employment sought or the occupation for which the license is sought, the hiring or licensing authority shall consider:

(a) The nature and seriousness of the crime for which the individual was convicted;

(b) The relationship of the crime to the purposes of regulating the position of public employment sought or the occupation for which the license is sought;

(c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation.

(3) Nothing in this Act shall be construed so as to limit the power of the hiring or licensing authority to determine that an individual shall be entitled to public employment or a license regardless of that individual's conviction if the hiring or licensing authority determines that the individual has been successfully rehabilitated.

SECTION 3. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO READ AS FOLLOWS:

If a hiring or licensing authority denies an individual a position of public employment or disqualifies the individual from pursuing, practicing, or engaging in any occupation for which a license is required, solely because of the individual's prior conviction of a crime, the hiring or licensing authority shall notify the individual in writing of the following:

(1) The grounds and reasons for the denial or disqualification;

(2) That the individual has the right to a hearing if written request for hearing is made within ten (10) days after service of notice;

(3) The earliest date the person may reapply for a position of public employment or a license; and

(4) That evidence of rehabilitation may be considered upon reapplication.

SECTION 4. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO READ AS FOLLOWS:

A person may be denied a license on the grounds that he does not possess good moral character.

SECTION 5. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO READ AS FOLLOWS:

Within thirty (30) days after final action by the hiring or licensing authority following a hearing, an aggrieved party may petition the Franklin Circuit Court for review. The court shall decide the case on the record, and shall not set aside the hiring or licensing authority order except for errors of law, or upon a finding that the hiring or licensing authority's action was arbitrary or capricious.

SECTION 6. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO READ AS FOLLOWS:
The provisions of this Act shall prevail over any other laws, rules and regulations which purport to govern the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment on the grounds of conviction of a crime or crimes.

SECTION 7. A NEW SECTION OF KRS CHAPTER 335B IS CREATED TO READ AS FOLLOWS:
The provisions of this Act shall not apply to:
(1) The practice of law; but nothing in this section shall be construed to preclude the Supreme Court in its discretion, from adopting the policies set forth in this Act.
(2) Deputy sheriffs, deputy constables, patrol or other nonelective peace officers or deputy peace officers, for whom qualifications are set forth in KRS 61.300.

Agreed.

Representative B. Richardson moved that **HB 100,** as amended, be passed.

On the roll call the vote was yeas 56-Adams, J. Allen, W. Allen, Bendl, Bennett, Beshear, Blythe, Brown, Bruce, Burnette, Carpenter, Clarke, Craddock, Cyrus, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Hancock, Head, Isler, Johnson, Jones, Kleier, List, Little, May, Maynard, McBee, McKinney, Morris, Noe, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Van Horn, Weinberg, Wilborn. Nays 11-Arnold, Deskins, Fitzgerald, Hines, Holbrook, Kidd, LeMaster, Tobin, Williams, Worthington, Yates.

HB 100, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 100,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 318, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 318:**

Amend printed copy of **HB 318** as follows: page 2, line 22, after the word "prescribed" and before the word "by", delete the words "or authorized".

Agreed.

Representative B. Richardson moved that **HB 318,** as amended, be passed.

On the roll call the vote was yeas 66-J. Allen, Arnold, Bendl, Bennett, Beshear, Boatwright, Boswell, Brown, Burch, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Fitzgerald, Foster, Gray, Guy, Hancock, Head, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kleier, Layman, LeMaster, List, Little, Mann, May, Maynard, McBee, McNutt, Noe, Overstreet, Pearman, Petty, Priddy, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, Wilborn, Willaims, Worthington, Wright, Yates. Nays 5-W. Allen, Bruce, Lindsay, Morris, Riner.

HB 318, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 318,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Imes presiding.

HB 101, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 101:**

HB 101, AN ACT relating to emergency medical technicians and paramedics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:
This Act may be cited as the "Kentucky Emergency Medical Technician and Paramedic Certification Act of 1978".

SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:
No person shall:
(1) Hold himself out as certified pursuant to this Act nor use the initials "EMT" when he does not hold a current valid certification issued pursuant to this Act; or
(2) If certified, violate any provision of this Act or any rule or regulation, adopted by the department for human resources relating to this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:
The department for human resources shall adopt rules and regulations relating to emergency medical technicians. The regulations may include, but need not be limited to, the classification and certification of emergency medical technicians, instructors, instructor-trainers, and students and trainees; examinations; standards of training and experience; curricula standards; issuance, renewal, suspension, denial, and revocation of certificates, and such other reasonable standards or regulations as may be necessary for the protection of public health and safety in the delivery of emergency medical services.

SECTION 4. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:
The secretary for human resources may, by regulation, prescribe a reasonable schedule of fees and charges for examinations, for the issuance of certificates, and for the renewal of certificates issued pursuant to this Act. All such fees, charges or other monies collected by the department under this Act shall be paid into the state treasury and credited to a trust and agency fund to be used by the department for human resources for carrying out the provisions of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:
Nothing in Sections 1 through 4 of this Act shall be construed to permit certification or utilization of any certified emergency medical technician for the purpose of such individual working full time with primary responsibility and duties limited to hospitals, physicians' offices, clinics, or other definitive care facilities, except for certification or utilization of a person as an emergency medical technician trainee or as a full-time instructor of emergency medical technicians.

SECTION 6. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:
Any person who violates Section 2 of this Act or any rule or regulation of the department for human resources adopted pursuant to this Act shall be guilty of a Class A misdemeanor.

SECTION 7. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:
For purposes of this Act the term "paramedic" means a person who is primarily involved in the delivery of emergency medical services and is certified under this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:
No person shall:
(1) Hold himself out as certified pursuant to this act nor use the term "paramedic" when he does not hold a current valid certification issued pursuant to this Act; or
(2) If certified, violate any provision of this Act or any rule or regulation, adopted by the board of medical licensure, relating to this Act.

SECTION 9. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:
The board of medical licensure shall adopt rules and regulations relating to paramedic. The regulations may include, but need not be limited to, the classification and certification of paramedic, instructor-trainers, instructors, and students and trainees; examinations; standards of training and experience; curricula standards; administration of drugs and controlled substances by paramedics under the direction or supervision of licensed

physicians; issuance, renewal, suspension, denial, and revocation of certificates, and such other reasonable standards or regulations as may be necessary for the protection of public health and safety in the delivery of emergency medical services.

SECTION 10. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:
The board of medical licensure may, by regulation, prescribe a reasonable schedule of fees and charges for examinations, for the issuance of certificates, and for the renewal of certificates issued pursuant to this Act. All such fees, charges or other monies collected by the board of medical licensure under this Act shall be paid into the state treasury and credited to a trust and agency fund to be used by the board of medical licensure for carrying out the provisions of this Act.

SECTION 11. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:
Nothing in Sections 7 through 10 of this Act shall be construed to permit certification or utilization of any certified paramedic for the purpose of such individual working full time with primary responsibility and duties limited to hospitals, physicians' offices, clinics, or other definitive care facilities except for certification or utilization of a person as a paramedic trainee or as a full-time instructor of paramedics.

SECTION 12. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:
Any person who violates Section 7 of this Act or any rule or regulation of the board of medical licensure adopted pursuant to this Act shall be guilty of a Class A misdemeanor.

Amend printed copy of Senate Committee Substitute for **HB 101** as follows: Senate Amendment No. 1, page 1, the title is amended to read as follows: "AN ACT relating to emergency medical personnel."

The motion that the House concur in the Senate Amendment to **HB 101** was rejected.

HB 102, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House refuse to concur in the following Senate Amendment to **HB 102:**

Amend printed copy of **HB 102** as follows: page 1, lines 10 and 11, after the word "of", delete the following: ", and located on the same premises with";

and on page 2, line 15, after the word "be" and continuing on line 16, delete the following words: "located on the same premises with,";

and on page 9, after line 9, add the following:

"(d) The prescribing or dispensing of any drug which bears a label with the statement "Caution: Federal law prohibits dispensing without prescription."

The motion that the House refuse to concur in the Senate Amendment to HB 102 was adopted.

HB 119, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 119:**

Amend printed copy of **HB 119** as follows: page 2, after line 20, by adding the following:

"Section 2. KRS 346.020 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:
(1) "Board" means the crime victims compensation board.
(2) "Claimant" means any of the following claiming compensation under this chapter: a victim, a dependent of a deceased victim, a third person other than a collateral source, or an authorized person acting on behalf of any of them.

(3) "Criminally injurious conduct" means conduct that occurs or is attempted in this jurisdiction; poses a substantial threat of personal injury or death, and is punishable by fine, imprisonment or death. Acts which, but for the insanity or mental irresponsibility or lack of capacity of the perpetrator, would constitute criminal conduct shall be deemed to be criminally injurious conduct. The operation of a motor vehicle, motorcycle, train, boat, aircraft or other vehicle in violation of law does not constitute a criminally injurious conduct unless the injury or death was intentionally inflicted or the operation thereof was part of the commission of another criminal act.

(4) "Family," when used with reference to a person, shall mean:

(a) Any person related to such person within the third degree of consanguinity [or affinity];

(b) Any person maintaining a sexual relationship with such person; or

(c) Any person residing in the same house hold with such person.

(5) "Victim" means a resident of this state who suffers personal injury or death as a result of:

(a) Criminally injurious conduct;

(b) A good faith effort to prevent criminally injurious conduct; or

(c) A good faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct."

On the roll call the vote was yeas 63-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Craddock, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, Overstreet, Pearman, Petty, Richards, B. Richardson, Riner, Sale, F. Smith, Stone, Tobin, Trevey, Van Horn, Weinberg, Wells, Wilborn, Williams, Wright. Nays 17-Beshear, Blythe, Clarke, Davenport, Dawahare, DeFalaise, DeMarcus, Hurst, Lindsay, List, McNutt, Rattliff, Robinson, Siemens, R. Smith, White. Yates.

The motion that the House concur in the Senate Amendment to **HB 119** was adopted.

Representative B. Richardson moved that **HB 119,** as amended, be passed.

On the roll call the vote was yeas 76-Adams, Arnold, Bendl, Bennett, Benson, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, Little, Marcum, May, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, R. Smith, Stone, Tobin, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 119, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 119,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative B. Richardson moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker assumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **HJR 20, HB 110, HB 114, HB 143, HB 182, HB 202, HB 233, HB 245, HB 262, HB 317, HB 337, HB 339, HB 372, HB 375, HB 382, HB 423, HB 441, HB 458, HB 468, HB 474, HB 476, HB 496, HB 481, HB 501, HB 526, HB 502, HB 17, SB 304, SB 257, SR 45, SR 35, SR 33** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HJR 20, HB 110, HB 114, HB 143, HB 182, HB 202, HB 233, HB 245, HB 262, HB 317, HB 337, HB 339, HB 372, HB 375, HB 382, HB 423, HB 441, HB 458, HB 468, HB 474, HB 476, HB 496, HB 481, HB 501, HB 526, HB 502, and **HB 17** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Senate Message

Announcing passage of **HB 449, HB 528, HB 675, HB 638** with Amendment, **HB 80** with Amendment, **HB 217** with Amendment, **HB 745** with Amendment, and **HB 683** with Amendment.

Orders of the Day (continued)

HB 44, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 44:**

Amend printed copy of **HB 44** as follows: Senate Amendment No. 1, page 3, line 13, by deleting the word "jurisdiction" and inserting in lieu thereof the word "boundary"; and

on page 3, line 15, by adding after the word "people" the words "or structures used in the storage or processing of timber products"; and

on page 4, line 12, by inserting the word "substantial" before the word "alteration" and by deleting the word "repair" and the comma before it; and

on page 88, line 22, bracket the following words ", reconstruction, remodeling, repair and"; and

on page 88, line 23, also bracket "maintenance of buildings," and insert in lieu thereof the following: "*as defined by Section 1, subsection (7) of this Act*"; and

on page 8, line 3, by deleting the words "seventeen (17)" and inserting in lieu thereof the words "eighteen (18)"; and

on page 9, lines 11 through 15 by deleting all the words in those lines after the word "cil;" on line 11, and inserting in lieu thereof the words "one (1) member selected by the governor from a list of three (3) submitted by the Kentucky Association of Plumbing, Heating and Cooling Contractors; and one (1) member selected by the governor from a list of three (3) submitted by the Mechanical Contractors Association."; and

on page 29, lines 12 and 13, by deleting the words "Franklin Circuit Court" and substituting in lieu thereof the words "circuit court within whose jurisdiction the property in question is located".

Senate Amendment No. 2, page 10, line 2, by deleting the words "five (5)" and inserting in lieu thereof the words "six (6)".

Senate Amendment 3, page 3, line 15, by adding after the period (.) the following: "This Act shall not apply to any single family dwelling except those sold or constructed under a trade or brand name."

Senate Amendment No. 7, page 3, after line 15, by adding the following:

"(5) Any city, county or urban county government of the Commonwealth may extend, by ordinance, the application of this Act to those single family dwellings exempted under subsection (4) of Section 1, by may not enforce any building code other than the uniform state building code on such dwellings.

(6) Nothing in this Act shall be construed to exempt single family dwellings from those provisions of the uniform state building code that relate to the national electric code and the state plumbing code."

and by renumbering all subsequent subsections in Section 1.

Agreed.

Representative B. Richardson moved that **HB 44,** as amended, be passed.

On the roll call the vote was yeas 52-Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Burnette, Craddock, Cyrus, Davenport, DeFalaise, Donnermeyer, Gray, Guenthner, Haering, Hancock, Hines, Holbrook, Holloway, Isler, Jones, Kenton, Kidd, LeMaster, List, Little, Mann, McBee, McNutt, Nett, Noe, O'Brien, Pearman, Petty, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Thomas, Trevey, Turner, Van Horn, White, Wilborn, Wright, Yates. Nays 20-Adams, W. Allen, Boatwright, Boswell, Clarke, Crupper, Foster, Guy, Head, Johnson, Lindsay, Marcum, McKinney, Morris, Overstreet, Patrick, Plummer, Rattliff, Stone, Tobin.

HB 44, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 44,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 129, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 129:**

Amend printed copy of **HB 129** as follows: on page 11, following line 5, by adding the following:

"(5) An attorney representing a secured person in any action filed under KRS 304.39.060 shall be entitled to a reasonable attorneys' fee in the event that reparation benefits paid to said secured person by that secured person's reparation's obligor are reimbursed by any insurance carrier on behalf of a tortfeasor who is the defendant in any such action filed by the said secured person or in the event such potential "action" is settled by said potential tortfeasor's insurance carrier on his behalf prior to the filing of any such suit."

Agreed.

Representative B. Richardson moved that **HB 129,** as amended, be passed.

On the roll call the vote was yeas 56-Bennett, Benson, Beshear, Brown, Bruce, Carpenter, Clarke, Craddock, Cyrus, Davenport, Deskins, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, Nett, Noe, O'Brien, Petty, B. Richardson, P. Richardson, Sale, F. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 13-W. Allen, Bendl, Blythe, Boatwright, Burnette, Crupper, Hancock, Kleier, McNutt, Morris, Pearman, Plummer, Riner.

HB 129, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 129,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 140, with Senate Amendment attached thereto taken from Orders of Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 140:**

Amend printed copy of **HB 140** as follows: page 2, line 10, after the word "prescribe," by inserting the word "*distribute,*";

and on page 2, by deleting lines 16 through 26, and by deleting pages 3 and 4 in their entirety.

Agreed.

Representative B. Richardson moved that **HB 140,** as amended, be passed.

On the roll call the vote was yeas 81-Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 2-Pearman, Thomas.

HB 140, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 140,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 152, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 152:**

Amend printed copy of **HB 152** as follows: Senate Amendment No. 1, page 21, line 5, delete all of line 5.

Senate Amendment No. 2, page 21, line 8, after the numeral "103.190," by deleting the remainder of the line;

and on page 21, line 9, by deleting line 9 in its entirety;

and on page 21, line 10, by deleting "103.270, 103.280, 103.285,";

and on page 21, lines 15 and 16, by deleting lines 15 and 16 in their entirety;

and on page 21, line 17, by deleting "152.930";

and on page 22, line 5, after the word "Sections" by deleting "5, 6".

Senate Amendment 3, page 12, between lines 3 and 4, by inserting the following:

"(5) The provisions of this section shall not be applicable in counties which have pursuant to KRS Chapter 67A adopted an urban county form of government."

and on page 20, following line 26, by inserting the following:

"SECTION 17. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

(1) Whenever rights, powers, privileges, immunities and responsibilities are granted to the county judge/executive in general statutes, the same shall be considered a grant in those counties in which an urban county government has been adopted pursuant to KRS Chapter 67A to the officer in whom such functions are vested under the applicable provision of the comprehensive plan of an urban county government, if any, and otherwise to the chief executive officer of an urban county government.

(2) Whenever rights, powers, privileges, immunities and responsibilities are granted to the fiscal court in general statutes, the same shall be considered a grant in those counties in which an urban county government has been adopted pursuant to KRS Chapter 67A to the legislative body of the urban government."

and on page 21, line 1, by changing "Section 17." to "Section 18."

and on page 22, line 5, by changing "Section 18." to "Section 19.".

Senate Amendment No. 4, page 18, line 17, by deleting lines 17 through 26 in their entirety;

and on page 19 by deleting lines 1 through 26;

and on page 20 by deleting lines 1, 2 and 3; and by renumbering all subsequent sections.

Senate Amendment No. 5, page 20, after line 26, by adding the following:

"Section 17. KRS 65.540 is amended to read as follows:

(1) The members of the authority shall be appointed as follows:

(a) If the authority is established by a city, such members shall be appointed by the mayor of the city;

(b) If the authority is established by a county, such members shall be appointed by the county judge/executive;

(c) If the authority is established as a joint city-county riverport authority, three (3) members shall be appointed by the mayor and three (3) members by the county judge/executive *to the terms as provided in subsection (2) of this section, and in addition, the mayor may appoint himself or a member of the city legislative body as one (1) additional member of the authority and the county judge/executive may appoint himself or a member of the fiscal court as one (1) additional member of the authority for a term of two (2) years, provided that such persons may not serve on the authority after the expiration of their term as an elected official*;

(d) If a combination of cities and/or counties established a joint riverport authority, the mayors and/or county judges/executive involved shall jointly choose six (6) members *to the terms as provided in subsection (2) of this section*; and shall jointly choose successors and *may upon agreement appoint a mayor or a member of a city legislative body and a county judge/executive or a member of a fiscal court as two (2) additional members of the authority for terms of two (2) years provided that such persons may not serve on the authority after the expiration of their term as an elected official.*

(2) *Except as provided in subsection (1)(c) and (1)(d) of this section* members of the authority shall serve for a term of four (4) years each, and until their successors are appointed and qualified, provided, however, that initial appointments shall be made so that two (2) members are appointed for two (2) years, two (2) members for three (3) years and two (2) members for four (4) years. Upon expiration of these staggered terms, successors shall be appointed for a term of four (4) years.

(3) A riverport authority member may be replaced by the appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. The appointing authority shallsubmit a written statement to the riverport authority setting forth the reasons for removal, and the statement shall be read at the next authority meeting, which shall be open to the general public. The member so removed shall have the right of appeal in the circuit court. *Except as provided in subsection (1)(c) and (1)(d) of this section* no riverport authority member shall hold any official office with the appointing authority.

Section 18. KRS 65.560 is amended to read as follows:

A quorum for the transacting of the business of the authority shall consist of four (4) members *for a six (6) member authority and five (5) members for an eight (8) member authority.* Meetings of the authority may be called by the chairman or by four (4) members *for a six (6) member authority and five (5) members for an eight (8) member authority.* In case of tie voting by the authority, the issue shall be deemed to have failed passage."

and on page 21, line 1, by deleting "Section 17" and inserting in lieu thereof "Section 19".

Senate Amendment 6, page 7, line 9, by inserting after "*(o)*" and before the word "*management*" the word "*Exclusive*" and after the word "*wastes*" and before the word "*and*" by inserting the words "*by ordinance or contract or by both*".

Agreed.

Representative B. Richardson moved that **HB 152,** as amended, be passed.

On the roll call the vote was yeas 53-Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Brinkley, Bruce, Burch, Carpenter, Clapp, Craddock, Cyrus, Davenport, Deskins, Donnermeyer, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Isler, Johnson, Jones, Kenton, List, Little, Mann, Maynard, McBee, Morris, Nett, Noe, O'Brien, Pearman, Petty, Richards, B. Richardson, P. Richardson, Riner, Sale, Siemens, F. Smith, Stewart, Stone, Trevey, Turner, Weinberg, White, Wilborn, Worthington, Yates. Nays 22-Adams, Boatwright, Brown, Burnette, Clarke, Crupper, DeFalaise, Dunn, Haering, Head, Holbrook, Kleier, Lindsay, McKinney, McNutt, Overstreet, Plummer, Romines, Thomas, Tobin, Van Horn, Wright.

HB 152, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 152,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 215, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 215:**

Amend printed copy of **HB 215** as follows: page 1, after enacting clause by adding:

"Section 1. KRS 189.271 is amended to read as follows:

(1) Notwithstanding any other provision of laws, the department of transportation may issue special permits to the owners, operators or lessees of motor vehicles for the purpose of hauling industrial materials whose gross weight, including vehicle and load, exceeds the limits prescribed by this chapter or which in other respects fail to comply with the requirements of this chapter. A separate permit shall be required for each vehicle. Such permits shall be issued for specified materials only and shall designate the portions of the state primary road system over which such vehicle may operate pursuant to the permit. Such permit shall be issued for a stated period of time not to exceed one (1) year and shall be upon such terms and conditions as the department may, in its discretion, require in the public interest. The department shall require, as a condition to the issuance of the permit, that the applicant pay a reasonable fee, to be fixed by the department, and shall require that an applicant convicted under provisions of KRS 189.990(2)(a) two or more times within a five-year period give bond, with approved surety, in an amount not to exceed $6,000 for each vehicle to indemnify the Commonwealth of Kentucky against damage to highways or bridges resulting from the operation of any motor vehicle under the authorization of such permit. The operation of any motor vehicle in accordance with the terms of any such permit shall not constitute a violation of this chapter, if the operator has the permit, or a copy of it, authenticated as the department may require, in his possession.

(2) The department shall not issue a permit under this section for a vehicle whose gross weight, including vehicle and load, exceeds the maximum gross weight as provided in KRS 189.222.

[(3) After the expiration of four (4) years from June 21, 1974, the department shall not issue a permit under this section for a vehicle which does not comply with the axle weight and axle spacing requirements set forth in KRS 189.222(1).]

(3) [(4)] No person shall operate a motor vehicle in violation of the terms and conditions of any permit issued by the department pursuant to this section.

(4) [(5)] As used in this section, industrial materials shall mean all cargo, whether divisible or indivisible, which a motor vehicle transports in the usual and ordinary course of business and shall specifically include, but not be limited to, minerals or natural resources transported by a motor vehicle.

(5) [(6)] The department is hereby empowered to:

(a) Exercise general supervision of the administering and enforcement of this section.

(b) Adopt rules and regulations with respect to the issuance of a permit, including, but not limited to, rules and regulations concerning the duration of permits and weight limits for various types of vehicles, materials and highways.

(c) Adopt rules and regulations with respect to the amount, terms and conditions of the bond and the sufficiency of the surety of such bond required by this section.

(d) Issue, continue in effect, revoke, modify or deny, under such conditions as the department may prescribe, permits provided for under this section."

And by renumbering all subsequent sections.

On the roll call the vote was yeas 51-J. Allen, W. Allen, Arnold, Bendl, Blandford, Boswell, Brinkley, Brown, Bruce, Burnette, Clapp, Crupper, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Guenthner, Guy, Head, Holbrook, Holloway, Johnson, Kenton, Kidd, Layman, Little, Mann, Marcum, May, McBee, McKinney, Morris, Noe, Patrick, Petty, B. Richardson, P. Richardson, Robinson, Sale, F. Smith, Stewart, Stone, Turner, Weinberg, Wells, White, Wright. Nays 36-Adams, Bennett, Benson, Beshear, Blythe, Boatwright, Burch, Carpenter, Clarke, Craddock, Cyrus, Gray, Haering, Hancock, Hurst, Imes, Isler, Jones, LeMaster, Lindsay, List, Maynard, McNutt, Nett, O'Brien, Pearman, Riner, Romines, Schmidt, Siemens, Thomas, Tobin, Trevey, Van Horn, Wilborn, Worthington.

The motion that the House concur in the Senate Amendment to **HB 215** was adopted.

Representative B. Richardson moved that **HB 215,** as amended, passed.

On the roll call the vote was yeas 50-J. Allen, W. Allen, Bendl, Blandford, Boswell, Brinkley, Brown, Bruce, Burnette, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Gray, Guenthner, Head, Hines, Holbrook, Holloway, Isler, Kenton, Kidd, Layman, Little, Marcum, May, McBee, McKinney, Morris, Noe, Patrick, Petty, Plummer, B. Richardson, P. Richardson, Robinson, Sale, F. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, White, Wilborn. Nays 33-Adams, Arnold, Bennett, Benson, Beshear, Boatwright, Burch, Carpenter, Clarke, Fitzgerald, Foster, Guy, Haering, Hancock, Hurst, Johnson, LeMaster, Lindsay, List, Mann, Maynard, McNutt, Nett, Overstreet, Pearman, Riner, Romines, Schmidt, Siemens, Thomas, Tobin, Trevey, Wright.

HB 215, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 215,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 92, with Senate Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed.

Representative Richards moved that the House concur in the following Senate Amendment to **HB 92:**

Amend printed copy of **HB 92** as follows: Senate Amendment 2, page 2, line 18, by adding the following after the date "September 1, 1979": ", and any year thereafter,"

Senate Amendment 3, page 1, line 18, by inserting "*(1)*" at the beginning;

page 2, line 11, by deleting "*157.135*" and inserting in lieu thereof "*157.315*"

page 2, line 25, by deleting the "]" after "semester";

page 3, line 2, by inserting a "]" at the end of the line and by adding the following:

"*(2) The parent or legal guardian of any child who becomes five (5) years of age on or before December 31 may petition the state board of education to allow the child to enter kindergarten at the beginning of the school year in which the child becomes five (5).*

(3) The parent or legal guardian of any child who becomes six (6) years of age on or before December 31 may petition the state board of education to allow the child to enter kindergarten at the beginning of the school year in which the child becomes six (6).

(4) The state board for elementary and secondary education shall establish procedures for consideration of such petitions including readiness testing and such other measures as may be deemed necessary."

Senate Amendment 4, page 3, line 2, by adding the following immediately after the numbers "KRS 157.315". "*Any child who has successfully completed kindergarten during the school year 1978-79 shall be eligible for enrollment in the first grade for the school year 1979-80 notwithstanding any other age requirements of this act.*"

Senate Amendment 6, page 1, 3rd line of subsection (3), by deleting the word "*kindergarten*" and inserting the words "*first grade*" in lieu thereof.

Senate Amendment 7, page 5, line 9, by adding after line 9 the following:

"Section 5. KRS 156.445 is amended to read as follows:

(1) No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and listed on the state multiple list of textbooks by the state textbook commission. Any changes of textbooks made by the state textbook commission shall not become effective until grades and classes of the respective county and independent school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

(2) In approving text materials for private and parochial schools for the purpose of KRS 156.160(8) and KRS 159.030 such text materials shall be approved if they are comprehensive and appropriate to the grade level in question notwithstanding the fact if they may contain elements of religious philosophy.

Section 6. KRS 158.080 is amended to read as follows:

Private and parochial schools shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state [.], *consistent with KRS 156.445(2).* Except in those school districts operating a year-round school program as defined in KRS 157.320(15), the term of the school shall not be for a shorter period in each year than the term of the public school provided in the district in which the child attending the school resides. In those school districts which are operating a year-round school program, the minimum term of private and parochial schools shall be one hundred eighty-five days.

Section 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions of applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable."

and on page 5, line 10, by changing the section number from "5" to "8".

Agreed.

Representative Richards moved that **HB 92,** as amended, be passed.

On the roll call the vote was yeas 67-J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Morris, Nett, Noe, Petty, Richards, B. Richardson, P. Richardson, Riner, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, White, Worthington, Wright, Yates. Nays 9-Adams, Beshear, Clarke, Foster, Jones, List, Patrick, Pearman, Wilborn.

HB 92, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 92,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 244, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 244:**

Amend printed copy of **HB 244** as follows: page 36, after line 7 insert the following:

"Section 16. KRS 186.230 is amended to read as follows:

The county clerk shall see that KRS 186.005 to 186.260 in his county are enforced. In so doing, he shall:
(1) Take all applications as provided in KRS 186.005 to 186.260;
(2) Issue the receipts on blanks furnished by the department;
(3) Collect the fees due the state;

(4) Distribute the registration plates furnished by the department of transportation and bureau of vehicle regulation and keep a complete public record of all registrations for his county, in his office;

(5) Report and remit each Monday to the department of transportation all moneys collected during the previous week, together with a duplicate of all receipts issued by him during the same period. He shall make all checks payable to the state treasurer. Unless the clerk forwards duplicates of all receipts issued by him during the reporting period with his report and remits the amount shown due by the report within seven (7) days after the report and remittance are due, he shall pay a penalty of one per cent (1%) per month or fraction thereof on the amount of money shown to be due on the report. The department may in its discretion grant a county clerk a reasonable extension of time to file his report and remit all moneys not to exceed ten (10) days for any one report. The extension however must be requested prior to the end of the seven-day period and shall begin to run at the end of said period. All penalties collected under this provision shall be paid into the state treasury as a part of the revenue collected under KRS 186.005 to 186.260;

(6) The clerk shall mail to the department of transportation one (1) duplicate of all receipts issued by him within two (2) weeks of the date of issuance. The department of transportation shall make the receipts pertaining to commercial vehicles available to the bureau of vehicle regulation for use in assimilating data therefrom;

(7) Account to the department of transportation for all registration plates and receipt forms consigned to him, at such time or times as the department of transportation may direct, and give the appropriate department timely notice of a probable deficiency of plates or other supplies;

(8) Any county clerk, who in collecting the taxes and fees due the state or county clerk, accepts in payment thereof a check which is not honored upon presentment, shall have a lien on the vehicle for the amount of such check. This lien shall be subordinate to any prior perfected lien, either contractual or statutory;

(9) No person shall be permitted to sell, trade or transfer ownership of a motor vehicle if evidence is presented to the county clerk that any lien exists on the motor vehicle."

and on line 8, delete "Section 16." and insert therefor "Section 17."

Agreed.

Representative B. Richardson moved that **HB 244,** as amended, be passed.

On the roll call the vote was yeas 56-J. Allen, Arnold, Bennett, Benson, Boswell, Bruce, Burch, Carpenter, Clapp, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, White, Wilborn, Willaims, Wright. Nays 22-Adams, Bendl, Beshear, Brinkley, Burnette, Clarke, Crupper, Cyrus, Dawahare, Foster, Gray, Imes, Jones, Layman, Lindsay, McNutt, Overstreet, Pearman, Sale, Siemens, Tobin, Worthington.

HB 244, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 244,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 304, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative LeMaster moved that the House concur in the following Senate Amendment to **HB 304:**

Amend printed copy of **HB 304** as follows: Senate Amendment 1, page 1, the title by deleting same and inserting in lieu thereof the following: "AN ACT relating to the service of process."

Senate Amendment 2, page 1, after line 19, by adding the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO READ AS FOLLOWS:

Any warrant issued by district court for an offense committed within a city shall be served by the police department of that city if the warrant is to be served within the city limits."

Agreed.

Representative LeMaster moved that **HB 304,** as amended, be passed.

On the roll call the vote was yeas 55-Adams, Bendl, Bennett, Beshear, Blandford, Brinkley, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, Dunn, Gray, Haering, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, List, Mann, McBee, McNutt, Morris, Petty, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Tobin, Turner, Weinberg, White, Worthington, Wright, Yates. Nays 23-J. Allen, Arnold, Boatwright, Boswell, Carpenter, DeFalaise, Deskins, Dietz, Fitzgerald, Foster, Guy, Head, Layman, Lindsay, Little, Marcum, May, Overstreet, Pearman, Rattliff, Riner, Van Horn, Wilborn.

HB 304, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 304,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 312, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 312:**

Amend printed copy of **HB 312** as follows: page 2, line 3, by deleting "*Sixty percent (60%)*" and inserting in lieu thereof "*Fifty-five percent (55%)*".

On the roll call the vote was yeas 55-Adams, Arnold, Benson, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, Dunn, Fitzgerald, Foster, Haering, Hancock, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kleier, LeMaster, Lindsay, List, Marcum, May, Maynard, McBee, Morris, Overstreet, Pearman, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Schmidt, Siemens, Stewart, Stone, Tobin, Turner, Weinberg, White, Wilborn, Worthington, Wright. Nays 20-J. Allen, Bennett, Beshear, Boatwright, Boswell, Brinkley, Brown, Cyrus, Deskins, Dietz, Gray, Guy, Head, Little, Mann, McKinney, Nett, Romines, F. Smith, Van Horn.

The motion that the House concur in the Senate Amendment to **HB 312** was adopted.

Representative B. Richardson moved that **HB 312,** as amended, be passed.

On the roll call the vote was yeas 58-Adams, J. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, Deskins, Dietz, Dunn, Gray, Guy, Hines, Hurst, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Little, Mann, May, Maynard, McKinney, Nett, Noe, Overstreet, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, White, Williams, Wright. Nays 23-Bruce, Burnette, Carpenter, Crupper, Fitzgerald, Haering, Hancock, Head, Holbrook, Holloway, Imes, Lindsay, List, Marcum, McBee, McNutt, Morris, Pearman, Petty, Plummer, Riner, Wilborn, Worthington.

HB 312, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 312,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 352, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Clarke moved that the House concur in the following Senate Amendment to **HB 352:**

Amend printed copy of **HB 352** as follows: Senate Amendment 1, page 7, lines 22 through 26, by deleting same;

and on page 8, lines 1 through 19, by deleting same; and by renumbering all subsequent sections.

Senate Amendment 2, page 10, on line 3, by deleting the word "Furthermore,";

and on lines 4 through 11, by deleting lines 4 through 11 in their entirety and substituting in lieu thereof "Staffing and support services shall be provided the legislative program review and investigation committee pursuant to KRS 7.090."

Senate Amendment 3, page 1, line 6, by deleting "six (6)" and inserting in lieu thereof "eight (8)" and by deleting "four (4)" and inserting "six (6)";

and on page 1, line 9, by deleting "six (6)" and inserting in lieu thereof "eight (8)";

and on page 1, line 10 by deleting "four (4)" and inserting in lieu thereof "six (6)".

Agreed.

Representative Clarke moved that **HB 352,** as amended, be passed.

On the roll call the vote was yeas 73-Adams, J. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Dunn, Fitzgerald, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Overstreet, Pearman, Petty, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Stewart, Stone, Tobin, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright. Nays 1-Rattliff.

HB 352, as amended, was passed and the title agreed to.

Representative Clarke moved that the vote by which **HB 352,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 360, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 360:**

Amend printed copy of **HB 360** as follows: Senate Amendment 1, page 4, line 13, by inserting " [" before the word "*All*" and on line 16, by inserting "]" after "*(e)*".

Senate Amendment 2, page 4, line 11, by deleting the following "essential";

and on page 4, line 12, by deleting "educational supplies" and inserting in lieu thereof "course materials".

Agreed.

Representative B. Richardson moved that **HB 360,** as amended, be passed.

On the roll call the vote was yeas 70-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dunn, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, May, McBee, McKinney, McNutt, Morris, Noe, Pearman, Petty, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wilborn, Wright. Nays 3-Fitzgerald, Nett, Riner.

HB 360, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 360,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 393, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative McBee moved that the House refuse to concur in the following Senate Amendment to **HB 393:**

Amend printed copy of **HB 393** as follows: Senate Amendment No. 1, page 1, on line 4, by deleting "*30,000*" and the brackets around "50,000";

and on line 10, by inserting after the word "schools," the word "*may*" and by placing brackets around the word "shall";

and on line 11, by inserting after the word "exceed" the words "*one-half of*", and by inserting after the word "cent" the number "(.5%)" and placing brackets around the number "(1%)";

and on line 14, by inserting after the word "county" the word "*or*", and by deleting the ";";

and on line 18, by deleting ", *and*" and substituting in lieu thereof the word "*or*";

and on line 21, by inserting after the word "*county*" the words "*or any combination of (a), (b) and (c)*".

Senate Amendment No. 2, page 3, line 11, delete the opening bracket " [";

and on page 3, line 11, after the number "(4)" insert the following: "*Persons who pay a county license fee pursuant to this section and who also pay a license fee to a city contained in the county may credit their city license fee against their county license fee if the city and county have agreed upon a city contribution to public services supported by the county which are available to all county residents.*"

and on page 3, line 11, insert an opening bracket, " [" before the word "The".

Senate Amendment 3, page 3, line 8, after the word "effective" by deleting the words "June 30 of the following year" and inserting in lieu thereof the words "December 31 of the same year".

Agreed.

HB 406, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Blandford moved that the House concur in the following Senate Amendment to **HB 406:**

HB 406, AN ACT relating to tobacco.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 248.290 is amended to read as follows:

(1) Each warehouse shall pay to the department an annual license fee of *two hundred and seventy-five dollars ($275)* [twenty-five dollars ($25.00)]. A license fee shall be paid on each warehouse building operated as a place of sale for tobacco, regardless of the number of such buildings owned by any individual, corporation, firm or other type of management organization. It shall be paid on July 1 of each year.

(2) The amount of the license fees *less twenty-five dollars ($25.00) per license* collected by the department shall be paid into the state treasury to the credit of a revolving account to be used in the *enforcement of KRS 248.350* [administration of this section]. *All fines collected pursuant to KRS 248.990(10) shall be paid into this same revolving account.*

Section 2. KRS 248.350 is amended to read as follows:

(1) No warehouse or warehouseman *or person acting on behalf of any warehouse or warehouseman* shall discriminate against any grower of tobacco *in any way, including but not limited to, the sale, transportation, or handling of tobacco. All tobacco growers shall be entitled to the exact same considerations as all other tobacco growers serviced by the same warehouse* [by failing to accord to that grower all privileges and services extended to any other grower, nor shall any warehouse or warehouseman refuse to admit any tobacco to the

warehouse floor so long as there is unreserved space available for the placing of tobacco upon the floor for the purpose of sale].

(2) No tobacco warehouseman selling leaf tobacco in this state shall discriminate between purchasers as to charges, samples, warranty or otherwise, whether the purchasers are members of the tobacco exchange or not.

Section 3. KRS 248.300 is amended to read as follows:

(1) The department shall administer KRS 248.290 to 248.440, *excluding 248.350,* and shall have general supervision over the sale of tobacco in warehouses throughout the state.

(2) The commissioner shall employ such inspectors and other employes as are necessary for the enforcement of KRS 248.290 to 248.440, *excluding 248.350,* and fix the duties and compensation of those employes.

Section 4. KRS 248.310 is amended to read as follows:

(1) The inspectors employed under KRS 248.300 shall carry out a general inspection service of all warehouses and shall strictly enforce KRS 248.280 to 248.440, *excluding 248.350.*

(2) An inspector employed by the department may:

(a) Reweigh any reasonable amount of tobacco that has been received by the tobacco warehouse.

(b) Determine the weight of all containers and devices used in the transport for the purpose of weighing tobacco on the warehouse floor and establish a weight tare for each warehouse.

SECTION 5. A NEW SECTION OF KRS CHAPTER 248 IS CREATED TO READ AS FOLLOWS:

(1) KRS 248.350 shall be enforced by the special prosecutions unit of the office of the attorney general.

(2) The attorney general in his discretion (a) may make such public or private investigations within or outside of this state as he deems necessary to determine if any person has violated or is about to violate KRS 248.350 or any rule or order thereunder, or to aid in the enforcement of KRS 248.350 or in the prescribing of rules and forms thereunder, (b) may require or permit any person to file a statement in writing, under oath or otherwise as the attorney general may determine, as to all the facts and circumstances concerning the matter to be investigated, and (c) may publish information concerning any violation of KRS 248.350 or any rule or order thereunder.

(3) For the purpose of any investigation or proceeding under KRS 248.350, the attorney general or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the attorney general deems relevant or material to the inquiry..

(4) In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of competent jurisdiction, upon application by the attorney general, may issue to that person an order requiring him to appear before the attorney general, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.

(5) No person is excused from attending and testifying or from producing any document or record before the attorney general, or in obedience to the subpoena of the attorney general or any officer designated by him, or in any proceeding instituted by the attorney general, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SECTION 6. A NEW SECTION OF KRS CHAPTER 248 IS CREATED TO READ AS FOLLOWS:

(1) The attorney general shall be authorized to file a class action suit on behalf of all persons discriminated against in violation of KRS 248.350 and may recover monetary damages against any warehouse found to be in violation.

(2) Damages shall be computed so as to equate the value of services or other considerations received by all growers of tobacco serviced by the warehouse found to be in violation.

(3) Damages recovered pursuant to this section shall be distributed as follows:

(a) Payment of court costs and all fees incidental to the litigation;

(b) Payment of the expenses incurred by the office of the attorney general;

(c) Payment of the balance to the aggrieved tobacco growers based on the poundage serviced at that warehouse found to be in violation.

Section 7. KRS 248.990 is amended to read as follows:

(1) Any tobacco warehouseman, agent, manager, *solicitor,* corporation or organization that violates any of the provisions of KRS 248.320 to 248.340 or subsection (2) of KRS 248.350 shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100), and, if a corporation, it shall forfeit all corporate rights and privileges.

(2) Any person who violates any of the provisions of [subsection (1) of] KRS [248.350, 248.360 or] 248.400 shall be fined not less than two hundred dollars ($200) nor more than five hundred dollars ($500).

(3) Any person who violates any of the provisions of KRS 248.370, 248.390, 248.440 or wilfully violates a regulation of the department, or who refuses to pay the fee provided for by KRS 248.290 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned for not more than three (3) months, or both.

(4) Any person who violates any of the provisions of KRS 248.410 or 248.420 shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(5) Any person who fails or refuses to post notices in accordance with subsection (1) of KRS 248.430 shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100) for each day of failure or refusal.

(6) Any person who violates subsection (2) of KRS 248.430 shall be fined five hundred dollars ($500) for each offense.

(7) Any person who violates any of the provisions of subsection (1) of KRS 248.450 shall be fined not less than two hundred dollars ($200) nor more than five hundred dollars ($500) for each offense.

(8) Any person who violates any of the provisions of subsection (2) of KRS 248.450 shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100) for each day of violation.

(9) Any person who violates KRS 248.610 shall be fined not less than $100 nor more than $1,000, or imprisoned in the county jail for not more than one year, or both.

(10) Any person who violates any of the provisions of subsection (1) of KRS 248.350 shall for each offense be fined not less than fifteen hundred dollars ($1,500) nor more than three thousand dollars ($3,000), or be imprisoned for not less than three (3) months nor more than twelve (12) months, or both.

Section 8. KRS 248.360, Rebates, special privileges and services by warehouses prohibited, is repealed.

Amend printed copy of Senate Committee Substitute for **HB 406** as follows: page 8, after line 4, by adding the following language:

"SECTION 8. A NEW SECTION OF KRS CHAPTER 422 IS CREATED TO READ AS FOLLOWS:

(1) As used in this Act:

(a) "Tobacco storage warehouseman" shall mean a person who is engaged in the business of long term storage of tobacco in a storage warehouse or related facility;

(b) "Owner" shall mean a person who has contracted or agreed with a tobacco storage warehouseman for the long term storage of tobacco;

(c) "Long term storage" and "tobacco in storage" shall mean the storage of redried tobacco, expressly excluding tobacco owned by a grower being held or stored in an auction warehouse by a warehouseman for the purpose of sale;

(d) "Grower" means a person who is a producer of tobacco, either by himself or by tenant, sharecropper or hired person;

(e) "Auction warehouse" means any tobacco warehouse operating as a place of sale for tobacco;

(f) "Warehouseman" means a person who is the owner, operator, manager, lessee or proprietor of a warehouse engaged in selling tobacco or his agents or employes;

(g) "Person" means any legal entity.

(2) A tobacco storage warehouseman shall be liable to the owner for damages to or destruction of tobacco in storage due to the engligence of the tobacco storage warehouseman, his agents or employes. Evidence that the owner delivered tobacco to the tobacco storage warehouseman and that the tobacco was damaged or destroyed while stored with or in the care and custody of the tobacco storage warehouseman shall

not be sufficient to create a presumption of negligence on the part of the tobacco storage warehouseman, or a prima facie case in favor of the owner."

And by renumbering "Section 8" to read "Section 9".

Agreed.

Representative Blandford moved that **HB 406,** as amended, be passed.

On the roll call the vote was yeas 53-Adams, J. Allen, Arnold, Bendl, Bennett, Blandford, Blythe, Boswell,, Brinkley, Brown, Clapp, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Fitzgerald, Foster, Gray, Guy, Head, Hines, Holbrook, Isler, Johnson, Kenton, Kidd, Kleier, Little, Mann, Marcum, May, McKinney, Noe, Pearman, Petty, Richards, B. Richardson, P. Richardson, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Williams, Wright, Yates. Nays 13-W. Allen, Beshear, Boatwright, Bruce, Imes, LeMaster, List, Maynard, McNutt, Morris, Riner, Trevey, Worthington.

HB 406, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 406,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 567, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 567:**

Amend printed copy of **HB 567** as follows: Senate Amendment No. 1, page 1, line 5, by placing a bracket before the comma following the word "rate"

Page 1, line 7, by placing a bracket after the comma following the word "rate"

Page 6, line 19, after the bracket following the word "thereafter", by inserting the following:

"Section 3. KRS 157.555 is amended to read as follows:

(1) The superintendent of public instruction shall calculate the amount of state power equalization support for each district in the following manner:

(a) Determine the equalized fair cash value of property per pupil in each district by dividing the district's equalized fair cash value of property by its average daily attendance.

(b) Determine the current maximum local discretionary revenue yield per pupil in each district by multiplying the district's equalized fair cash value of property per pupil by the district's total school tax rate [, less any special voted building fund tax rate and any sinking fund tax rate]. The net rate used in this calculation shall not exceed the supported rate as provided for in KRS 157.560.

(c) Determine the guaranteed local discretionary revenue yield per pupil in each district by multiplying the equalized fair cash value of property per pupil of the county district with the highest fair cash value of property per pupil in the state by each district's total school tax rate [less any special voted building fund tax rate and any sinking fund tax rate]. The net rate used in this calculation shall not exceed the supported rate as provided for in KRS 157.560.

(d) Multiply the difference between each district's current maximum local discretionary revenue yield per pupil (as determined in subparagraph (b) of this section) and its guaranteed local discretionary revenue yield per pupil (as determined in subparagraph (c) of this section) by its average daily attendance. The result shall be the amount of state power equalization support for each district.

(2) Equalized fair cash value of property and average daily attendance as used in this section shall be the prior year's equalized fair cash value of property and average daily attendance. School tax rates as used in this section shall be the current year's school tax rates.

Section 4. KRS 157.575 is amended to read as follows:

(1) No district shall be eligible for the state power equalization support provided for in KRS 157.545 to

157.575 during any fiscal year in which the district board of education specifies in its budget for that fiscal year a total school tax rate [, less any special voted building fund tax rate and any sinking fund tax rate,] which would produce less revenue than was produced by the application of that district's total school tax rate for fiscal year 1976-77, less thirty cents (30¢), [and less any special voted building fund tax rate and sinking fund tax rate for fiscal year 1976-77,] to that district's 1976 assessment specified under KRS 160.460(3); *provided that the 1976-77 revenue shall be recalculated if the tax voted under 157.440 or 160.477 expires.*

(2) The superintendent of public instruction shall not certify to the executive department for finance and administration for payment of the state power equalization support for any fiscal year a school district which has become ineligible for such support as provided in subsection (1) above.

(3) Any district receiving a tentative allotment under KRS 157.570 which does not meet the requirement of subsection (1) above shall return all funds received to the district equalization program fund."

Page 6, line 21, by changing the section number from "3" to "5".

Senate Amendment 2, page 2, line 15, by deleting "*fifteen (15%)*" and inserting in its place "*twenty-five (25%)*".

On the roll call the vote was yeas 52-Adams, W. Allen, Arnold, Bendl, Benson, Blythe, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, DeMarcus, Fitzgerald, Foster, Guy, Hancock, Head, Hines, Holbrook, Holloway, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Mann, Maynard, McBee, McNutt, Morris, Overstreet, Patrick, Pearman, Petty, Rattliff, Richards, B. Richardson, P. Richardson, Sale, Siemens, F. Smith, Tobin, Trevey, Wilborn, Williams, Worthington. Nays 31-J. Allen, Bennett, Beshear, Blandford, Boatwright, Brown, Clarke, Deskins, Gray, Haering, Isler, Johnson, Jones, Kleier, Little, Marcum, May, McKinney, Nett, Noe, Priddy, Riner, Romines, Schmidt, Stewart, Stone, Turner, Van Horn, Weinberg, White, Wright.

The motion that the House concur in the Senate Amendment to **HB 567** was adopted.

Representative Clapp presiding.

Representative B. Richardson moved that **HB 567,** as amended, be passed.

On the roll call the vote was yeas 58-Adams, J. Allen, Bendl, Benson, Blythe, Brinkley, Brown, Burch, Carpenter, Clapp, Craddock, Crupper, Davenport, DeMarcus, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Hancock, Head, Hines, Holbrook, Holloway, Imes, Johnson, Jones, Kenton, Kidd, Kleier, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Noe, Rattliff, Richards, B. Richardson, P. Richardson, Sale, Siemens, F. Smith, Stone, Thomas, Tobin, Trevey, Turner, Weinberg, White, Wilborn, Williams, Worthington, Yates. Nays 18-Bennett, Beshear, Boatwright, Boswell, Bruce, Clarke, Cyrus, Gray, Haering, Isler, LeMaster, Lindsay, Morris, Nett, Pearman, Riner, Schmidt, Van Horn.

HB 567, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 567,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 599, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 599:**

Amend printed copy of **HB 599** as follows: page 9, line 20, by deleting the word "*Franklin*" and on line 21, after the word "court" by inserting the words, "*where the licensee has his principle place of business or where the applicant resides*";

and on page 12, after line 6, by adding a new Section 11 to read as follows:

"Section 11. KRS 324.410 is amended to read as follows:

The purposes of the Real Estate Education, Research and Recovery Fund shall be as follows:

(1) Wherever a licensee has been duly found guilty of violating any one or more of the provisions of KRS 324.160 and/or any one or more of the rules and regulations duly promulgated by the commission, and upon the conclusion of a final order entered by the commission, or by the courts, if appealed, the commission is authorized to pay to the aggrieved person or persons an aggregate amount not to exceed $10,000.00 against any one licensee, provided that the licensee has refused to pay such claim within a period of 20 days of entry of a final order and provided further that the amount or amounts of money in question are certain and liquidated.

(2) The commission shall maintain a minimum level of $200,000.00 for recovery and guaranty purposes. These funds may be invested and reinvested in the same manner as funds of the State Employes' Retirement System and the interest from said investments shall be deposited to the credit of the Real Estate Education, Research and Recovery Fund. Sufficient liquidity, however, will be maintained so that there will be money available to satisfy any and all claims which may be processed through the commission through the means of formal administrative hearing as outlined in this chapter.

(3) The commission, in its discretion, may use any and all funds in excess of the $200,000.00 level, regardless of whether it is from the Real Estate Education, Research and Recovery Fund fees or accrued interest thereon, for the following purposes:

(a) To carry out the advancement of education and research in the field of real estate for the benefit of those licensed under the provisions of this chapter and the improvement and making even more efficient the real estate industry as such;

(b) To underwrite educational seminars, caravans and other forms of educational projects for the use and benefit generally of real estate licensees;

(c) To establish a real estate chair or courses at Kentucky state institutions of higher learning for the purpose of making such courses available to licensees and the general public who may seek same on a college or university level;

(d) To contract for a particular research project in the field of real estate for the Commonwealth of Kentucky;

(e) To sponsor, contract for and to underwrite any and all other educational and research projects of a similar nature having to do with the advancement of the real estate field in Kentucky; and

(f) To receive recommendations and to cooperate and work with the Kentucky Association of Realtors and any and all other real estate groups for the enlightenment and advancement of the real estate licensees of Kentucky.

(4) Within sixty (60) days after the end of each fiscal year, the commission shall mail to each licensee a statement of income and expenses of the real estate education, research and recovery fund, the details of which have been approved by the secretary of the executive department for finance and administration.";

and on page 12, line 7, by renumbering Section 11 as Section 12.

Agreed.

Representative B. Richardson moved that **HB 599,** as amended, be passed.

On the roll call the vote was yeas 71-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dunn, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Pearman, Petty, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Yates. Nays 0.

HB 599, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 599,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 628, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Mann moved that the House concur in the following Senate Amendment to **HB 628:**

Amend printed copy of **HB 628** as follows: page 1, on line 4, by inserting after "composed of" the word "*six (6)*" and by placing brackets before and after "five (5)";

and on line 8, by deleting the " [";

and on line 9, by inserting, after the word "list" the words "*of at least three (3) persons*";

and on line 11, by inserting after the word "list" the words "*of at least three (3) persons*";

and on line 15, by inserting after the word "list" the words "*of at least six (6) persons*";

and on line 16, by deleting the "]";

and on page 2, line 3, by inserting after the word "and" the word "*two (2)*" and by placing a " [" before the word "one";

and on line 4, by placing a "]" after the number "(1)".

Agreed.

Representative Mann moved that **HB 628,** as amended, be passed.

On the roll call the vote was yeas 66-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blythe, Boswell, Brinkley, Brown, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Fitzgerald, Guenthner, Guy, Hancock, Head, Hines, Holloway, Imes, Isler, Jones, Kidd, Kleier, LeMaster, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Petty, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Yates. Nays 7-Beshear, Johnson, List, Pearman, Rattliff, F. Smith, Trevey.

HB 628, as amended, was passed and the title agreed to.

Representative Mann moved that the vote by which **HB 628,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 616, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Fitzgerald moved that the House concur in the following Senate Amendment to **HB 616:**

HB 616, AN ACT relating to thoroughbred horse racing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created a trust and revolving fund for the Kentucky state racing commission, designated as the Kentucky thoroughbred development fund, consisting of money allocated to the fund under the provisions of KRS 138.510, together with such other money as may be contributed to or allocated to the fund from all other sources. Money to the credit of the Kentucky thoroughbred development fund shall be distributed by the treasurer for the purposes herein provided upon authorization of the Kentucky state racing commission and upon approval of the secretary of the executive department for finance and administration. Money to the credit of the Kentucky thoroughbred development fund at the end of each fiscal year shall not lapse, but shall be carried forward in such fund to the succeeding fiscal year.

(2) There is hereby established, under the general jurisdiction of the Kentucky state racing commission, a Kentucky thoroughbred development fund advisory committee. The advisory committee shall consist of five (5) members, all of whom shall be residents of Kentucky, to be appointed by the chairman of the Kentucky state racing commission by July 1 of each year. The committee shall consist of two (2) thoroughbred breeders recommended by thoroughbred breeders of Kentucky, Inc.; one (1) thoroughbred owner recommended by the Kentucky division of the horsemen's benevolent and protective association; one (1) officer or director of a licensed association conducting thoroughbred racing in Kentucky, recommended by action of all of the licensed

associations conducting thoroughbred racing in Kentucky; and one (1) member of the Kentucky state racing commission. If any member other than the commission member has not been recommended for appointment by July 1 of each year, the chairman of the Kentucky state racing commission shall make an appointment for the organization or organizations failing to so recommend a member of the committee. The members of the advisory committee shall serve without compensation, but shall be entitled to reimbursement for all expenses incurred in the discharge of official business. The advisory committee shall select from its membership annually a chairman and a vice chairman.

(3)(a) The Kentucky thoroughbred development fund committee shall advise and assist the Kentucky state racing commission in the development of the supplemental purse program provided herein for Kentucky bred thoroughbreds, shall make recommendations to the commission from time to time with respect to the establishment of guidelines, rules and regulations for the provision of such supplemental purses, the amount thereof, the races for which such purses are to be provided and the conditions thereof, manner and method of payment of such supplemental purses, registry of thoroughbred stallions standing within the Commonwealth of Kentucky, registry of Kentucky bred thoroughbreds for purposes of this Act, nature and type of forms and reports to be employed and required in connection with the establishment, provision for, award and payment of such supplemental purses and with respect to all other matters necessary in connection with the carrying out of the intent and purposes of this Act.

(b) The Kentucky state racing commission shall employ such qualified personnel as may be required to assist the commission and the advisory committee in carrying out the provisions of this Act. Such persons shall serve at the pleasure of the commission and compensation for such personnel shall be fixed by the commission. The compensation of such personnel and the necessary expenses incurred by the commission or by the committee in carrying out the provisions of this Act shall be paid out of the Kentucky thoroughbred development fund.

(4) The Kentucky state racing commission, with the advice and assistance of the Kentucky thoroughbred development fund advisory committee, shall use the Kentucky thoroughbred development fund to promote, enhance, improve and encourage the further and continued development of the thoroughbred breeding industry in Kentucky by providing, out of the Kentucky thoroughbred development fund, supplemental purses for designated stakes, handicap, allowance and non-claiming maiden races contested at licensed thoroughbred race meetings in Kentucky, the awarding and payment of which supplemental purses shall be conditioned upon the winning or placing in such races by Kentucky bred thoroughbred horses. Any supplemental purse provided for a designated race shall be apportioned among the winning and placing horses in the same proportion as the stake or purse provided for such race by the racing association. Winning or placing as used in this section shall include those horses finishing first, second, third and fourth in such races. That portion of the supplemental purse provided for any such designated race for a winning or placing finish shall be awarded and paid to the owner of the horse so finishing only if such horse is a Kentucky bred thoroughbred duly registered as such with the official registrar. Any portion of the supplemental purse which is not awarded and paid over shall be returned to the Kentucky thoroughbred development fund.

(5)(a) For purposes of this Act, the term Kentucky thoroughbred stallion shall mean and include only a thoroughbred stallion standing the entire breeding season in Kentucky and registered as a Kentucky thoroughbred stallion with the official registrar of the Kentucky thoroughbred development fund.

(b) Except for thoroughbred horses foaled prior to January 1, 1980, the term Kentucky bred thoroughbreds for purposes of this Act, shall mean and include only thoroughbred horses sired by Kentucky thoroughbred stallions foaled in Kentucky and registered as a Kentucky bred thoroughbred with the official registrar of the Kentucky thoroughbred development fund.

(c) Any thoroughbred horse foaled prior to January 1, 1980, may qualify as a Kentucky bred thoroughbred for purposes of this Act if such horse was foaled in Kentucky and if the sire of such thoroughbred was standing at stud within Kentucky at the time of conception of such thoroughbred, provided such thoroughbred is duly registered as a Kentucky bred thoroughbred with the official registrar of the Kentucky thoroughbred development fund.

(d) In order for an owner of a Kentucky sired thoroughbred to be eligible to demand, claim and receive a portion of a supplemental purse provided by the Kentucky thoroughbred development fund, the thoroughbred horse winning or placing in a designated race for which a supplemental purse has been provided by the Kentucky thoroughbred development fund must have been duly registered as a Kentucky bred thoroughbred with the official registrar of the Kentucky thoroughbred development fund prior to entry in such race.

(6)(a) Thoroughbred breeders of Kentucky, Inc., is hereby recognized and designated as the sole official registrar of the Kentucky thoroughbred development fund for the purposes of registering Kentucky thoroughbred stallions and Kentucky bred thoroughbred in accord with the terms of this Act and such rules and regulations as may be promulgated by the Kentucky state racing commission. When a Kentucky bred thoroughbred is registered with the official registrar, the registrar shall be authorized to stamp the Jockey Club certificate issued for such thoroughbred with the seal of the registrar, certifying that the said thoroughbred is a duly qualified and registered Kentucky bred thoroughbred for purposes of this Act. The registrar may establish and charge, with the approval of the commission, reasonable registration fees for its services in the registration of Kentucky thoroughbred stallions and in the registration of Kentucky bred thoroughbreds. Registration records of the registrar shall be public records and open to public inspection at all normal business hours and times.

(b) Any interested party aggrieved by the failure or refusal of the official registrar to register a stallion or thoroughbred as a Kentucky stallion or as a Kentucky bred thoroughbred shall have the right to file with the commission, within thirty (30) days of such failure or refusal of the registrar, petition seeking registration of such thoroughbred. The commission shall promptly hear the matter de novo and issue its order directing the official registrar to register or not to register as it may be determined by the commission.

(7) The Kentucky state racing commission shall adopt such rules and regulations as may be necessary to carry out the provisions and purposes of this Act, including the adoption of such rules and forms as may be appropriate for the proper registration of Kentucky stallions and Kentucky bred thoroughbreds with the official registrar, and shall administer the Kentucky bred program created hereby in a manner best designed to promote and aid in the further development of the thoroughbred breeding industry in Kentucky, to upgrade the quality of thoroughbred racing in Kentucky and to improve the quality of thoroughbred horses bred in Kentucky.

Section 2. KRS 138.510 is amended to read as follows:

(1) An excise tax is imposed on every person, corporation or association which operates a running horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to four and three-fourths percent (4 3/4 %) of all money wagered during the year. A year as used herein shall begin at 12:01 a. m. July 1 and end at 12 midnight June 30. *Until July 1, 1979, one-nineteenth (1/19) of all amounts received by reason of such tax shall be set aside by the department of revenue and shall be deposited in the Kentucky thoroughbred development fund created and described in Section 1 of this Act. From July 1, 1979, until June 30, 1980, two-nineteenths (2/19) of all amounts received by reason of such tax shall be set aside by the department of revenue and shall be deposited in the Kentucky thoroughbred development fund created and described in Section 1 of this Act. From and after June 30, 1980, three-nineteenths (3/19) of all amounts received by reason of such tax shall be set aside by the department of revenue and shall be deposited in the Kentucky thoroughbred development fund created and described in Section 1 of this Act.*

(2) An excise tax is imposed on every person, corporation or association which operates a trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to five percent (5%) of all money wagered during the year. A year as used herein shall begin at 12:01 a. m. July 1 and end at 12 midnight June 30. One-fifth (1/5) of all amounts received by reason of such tax shall be set aside by the department of revenue and shall be deposited in the Kentucky standardbred development fund created and described in KRS 230.770.

Agreed.

Representative Fitzgerald moved that **HB 616**, as amended, be passed.

On the roll call the vote was yeas 64-Adams, Bendl, Bennett, Beshear, Blythe, Brinkley, Burch, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Dietz, Dunn, Fitzgerald, Gray, Guy, Hancock, Hines, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, Petty, Plummer, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright, Yates. Nays 3-Brown, Little, Pearman.

HB 616, as amended, was passed and the title agreed to.

Representative Fitzgerald moved that the vote by which **HB 616,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 686, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Adams moved that the House concur in the following Senate Amendment to **HB 686:**

Amend printed copy of **HB 686** as follows: page 4, line 15, after the word "*budget*" by inserting the following words, "*adopted by the board*" and after the word "*and*" and before the word "*policies*" by inserting the word "*the*";

and on page 11, line 16, after the word "*of*" by deleting the word "*subsection*" and inserting in lieu thereof the following words, "*subsections (2) and*".

Agreed.

Representative Adams moved that **HB 686,** as amended, be passed.

On the roll call the vote was yeas 61-Adams, J. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Bruce, Carpenter, Clapp, Clarke, Craddock, Cyrus, Deskins, Donnermeyer, Dunn, Fitzgerald, Gray, Guenthner, Guy, Haering, Head, Hines, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Lindsay, Mann, May, Maynard, McBee, McNutt, Morris, Nett, Noe, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, Stewart, Stone, Thomas, Turner, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 22-W. Allen, BEshear, Brown, Crupper, DeFalaise, Dietz, Holbrook, Layman, LeMaster, List, Little, Marcum, McKinney, Overstreet, Pearman, Petty, Plummer, Rattliff, Tobin, Trevey, Van Horn, Weinberg.

HB 686, as amended, was passed and the title agreed to.

Representative Adams moved that the vote by which **HB 686,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 46, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Lindsay moved that the House refuse to concur in the following Senate Amendment to **HB 46:**

Amend printed copy of **HB 46** as follows: Senate Amendment No.1, page 3, line 8, add the following: "*(f) Filing forcible detainer actions $10.00*

and on page 4, delete line 19 in its entirety;

and on line 20, renumber "(b)" as "(a)"

and on line 21, renumber "(c)" as "(b)"

Senate Amendment No. 2, page 2, line 24, by deleting the word "." and inserting in lieu thereof the following: *; however, there shall be no filing fee for proceedings for a writ of habeas corpus, proceedings under RCr 11.42 and mental health proceedings under KRS Chapters 202A, 202B and 203.*

and on page 7, between lines 17 and 18, by inserting the following:

(f) Where the case involves mental health proceedings under KRS Chapter 202A, 202B, and 203, there shall be no filing fee.

and on page 7, lines 11 and 12, by deleting the words "a matter relating to guardianship," and inserting in lieu thereof the words: *the appointment of guardians, committees, and curators and is not related to a pending probate proceeding,*

and on page 7, line 12, by deleting the word "." and adding the following: *for each appointment.*

Senate Amendment No. 3, page 2, lines 14 and 15 by deleting same;

and on page 2, line 20, by inserting after the word "clerk" the following: "which are held in escrow accounts covered by this Act".

Senate Amendment No. 4, page 3, line 13, by inserting after the word "*clerk*" the words "*at the disposition of the action*";

page 8, by inserting after line 25, the following:

"Section 9. An emergency is hereby declared to exist and this Act shall become effective upon its passage and approval by the Governor."

Agreed.

HB 717, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Kenton moved that the House concur in the following Senate Amendment to **HB 717:**

Amend printed copy of **HB 717** as follows: Senate Amendment No.1, page 4, line 25, by striking "7" and substituting therefor "5";

and on page 5, line 8, by striking the "7" and substituting therefor "5";

and on page 5, line 13, by striking "7" and substituting therefor "5";

and on page 6, line 19, by striking "7" and substituting therefor "5";

and on page 7, line 19, by striking "7" and substituting therefor "5";

and on page 8, delete line 10 through line 12;

and on page 8, line 13, delete "trust fund, and any other";

and on page 8, line 13, add the word "Any" before the word "state";

and on pages 8 and 9, by deleting Section 5 and Section 6 in their entirety;

and on page 10, line 4, by striking "7" and substituting therefor "5".

Senate Amendment No.2, page 3, line 6, by deleting the word "executive director" and inserting in lieu thereof the word "chairperson";

and on page 3, line 7, by deleting the word "executive director" and inserting in lieu thereof the word "chairperson";

and on page 3, line 24, by deleting "eleven (11)" and inserting in lieu thereof the words "thirteen (13)";

and on page 5, line 2, by adding the words "within the department for human resources" after "material" and before the period.

Senate Amendment No.3, page 5, on line 15, after the word "with" by inserting brackets as follows: [one (1) or].

Agreed.

Representative Kenton moved that **HB 717,** as amended, be passed.

On the roll call the vote was yeas 81-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 717, as amended, was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 717,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 760, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Clarke moved that the House refuse to concur in the following Senate Amendment to **HB 760:**

Amend printed copy of **HB 760** as follows: page 7, by inserting after line 9 the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

Pension and annuity income received by University of Kentucky employes and paid by the University from state funds shall not be subject to state of Kentucky individual income tax."

Agreed.

HB 156, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Riner moved that the House concur in the following Senate Amendment to **HB 156:**

Amend printed copy of **HB 156** as follows: Senate Amendment 1, page 1, line 7, by inserting " [" before the comma

Page 1, line 8, by inserting "]" after the word "Bible"

Page 2, line 7, by inserting " [" before the comma

Page 2, line 8, by inserting "]" after the word "Bible"

Senate Amendment 2, page 1, by deleting Section 1 in its entirety and renumbering Section 2 and Section 1.

Senate Amendment 3, page 2, line 10, by deleting the word "schoolroom" and inserting in lieu thereof the words "school classroom".

On the roll call the vote was yeas 29-Arnold, Bennett, Boswell, Brinkley, Bruce, Burnette, Craddock, Davenport, Dunn, Foster, Guenthner, Hancock, Holloway, Isler, Johnson, Mann, Marcum, May, Maynard, Noe, Pearman, Petty, Priddy, Riner, Romines, Sale, F. Smith, Van Horn, Wright. Nays 25-J. Allen, W. Allen, Beshear, Blandford, Carpenter, Cyrus, DeFalaise, Deskins, Donnermeyer, Fitzgerald, Guy, Hines, Imes, Jones, Kidd, LeMaster, Lindsay, Morris, Overstreet, B. Richardson, Tobin, Turner, Weinberg, Williams, Worthington.

The motion that the House concur in the Senate Amendment to **HB 156** was adopted.

Representative Riner moved that **HB 156,** as amended, be passed.

On the roll call the vote was yeas 49-Adams, J. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Craddock, Cyrus, Davenport, Deskins, Dunn, Foster, Gray, Guenthner, Haering, Hancock, Holbrook, Holloway, Imes, Isler, Johnson, Kenton, Layman, LeMaster, Lindsay, Marcum, May, Maynard, Morris, Nett, Overstreet, Pearman, Petty, Priddy, Rattliff, P. Richardson, Riner, Romines, Sale, Tobin, Van Horn, Wright. Nays 15-Beshear, Clarke, Donnermeyer, Fitzgerald, Jones, Kidd, Mann, McBee, B. Richardson, Stewart, Turner, Weinberg, Wilborn, Williams, Worthington.

HB 156, as amended, was passed and the title agreed to.

Representative Riner moved that the vote by which **HB 156,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative B. Richardson moved that the House recess until 3:45 p.m. Agreed.

At the appointed hour, the Speaker Pro Tempore assumed the Chair and called the House to order.

Orders of the Day (continued)

HB 683, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Williams moved that the House concur in the following Senate Amendment to **HB 683:**

Amend printed copy of **HB 683** as follows: Senate Amendment 1, page 6, line 5, by deleting ", no later";

and on page 6, line 6, by deleting same;

and on page 6, line 7, by deleting "bids," and by inserting in lieu thereof the following: "within a reasonable period of time as determined by the Executive Department for Finance and Administration";

and on page 6, line 8, before the ":" by adding "upon being declared the successful bidder";

and on page 7, line 10, by deleting the word "up";

and on page 7, line 11, after "(4)" by deleting the remainder of the line;

and on page 7, lines 19-24, by deleting same;

and on page 7, line 25, by deleting "months.";

and on page 8, lines 9-15, by deleting same;

and on page 8, line 16, by deleting "(7)" and inserting in lieu thereof "(6)".

Senate Amendment 2, page 5, line 7, by deleting "2" and inserting in lieu thereof "3".

Agreed.

Representative B. Richardson moved that **HB 683,** as amended, be passed.

On the roll call the vote was yeas 45-Bendl, Beshear, Blythe, Boatwright, Boswell, Brinkley, Burch, Burnette, Carpenter, Crupper, Cyrus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Hancock, Hines, Imes, Isler, Kenton, Kidd, LeMaster, Mann, McBee, McNutt, Petty, Priddy, B. Richardson, P. Richardson, Riner, Sale, Schmidt, Siemens, Stone, Tobin, Turner, Weinberg, Wilborn, Williams, Worthington, Wright. Nays 1-Van Horn.

HB 683, as amended, was passed and the title agreed to.

Representative Williams moved that the vote by which **HB 683,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 358, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House refuse to concur in the following Senate Amendment to **HB 358:**

HB 358, AN ACT relating to workmen's compensation.
Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.120 is amended to read as follows:

(1) A claimant may in the original application for benefits, or either party may by motion while the case is pending, accompanied by proper allegations, and the board shall upon its own motion at any time before the rendition of the final award, cause the Special Fund to be made a party to the proceedings if either or both of the following appears:

(a) The employe is disabled, whether from a compensable injury, occupational disease, pre-existing disease, or otherwise, and has received a subsequent compensable injury by accident, or has developed an occupational disease;

(b) The employe is found to have a dormant non-disabling disease or condition which was aroused or brought into disabling reality by reason of a subsequent compensable injury by accident or an occupational disease.

(2) When the Special Fund has been made a party the board shall direct the procedures provided in KRS 342.121.

(3) If it is found that the employe is a person mentioned in paragraphs (a) or (b) of subsection (1) and a subsequent compensable injury or occupational disease has resulted in additional permanent disability so that the degree of disability caused by the combined disabilities is greater than that which would have resulted from the subsequent injury or occupational disease alone, and the employe is entitled to receive compensation on the basis of the combined disabilities, the employer shall be liable only for the degree of disability which would have resulted from the latter injury or occupational disease had there been no pre-existing disability or dormant, but aroused disease or condition.

(4) The remaining compensation for which such resulting condition would entitle the employe, including any compensation for disability resulting from a dormant disease or condition aroused into disabling reality by the injury or occupational disease, but excluding all compensation which the provisions of this chapter would have afforded on account of prior disabling disease or injury had it been compensated thereunder, shall be paid out of the Special Fund provided for in KRS 342.122. Such remaining compensation shall be paid directly to the employe by the carrier or self-insured employer who is liable for compensation under subsection (3) of this section, and the carrier or self-insured employer shall be reimbursed for such payments from the Special Fund on a quarterly basis and under such regulations as the board may provide for such purpose.

(5) If it is found that the employe is a person mentioned in paragraphs (a) or (b) of subsection (1), and a subsequent compensable injury or occupational disease has resulted in additional permanent disability, so that the degree of disability caused by the combined disabilities is greater than that which would have resulted from the subsequent injury or occupational disease alone, and the employe is entitled to receive compensation on the basis of the combined disabilities, and when applying the formula for income benefits to the employer's and Special Fund's percentage of disability, and the income benefits exceed the limitation contained in KRS 342.740, then in that event the Special Fund's and employer's liability shall be reduced proportionately to the point where the shares of each, when combined, do not exceed the limitation established by KRS 342.740.

Section 2. KRS 342.122 is amended to read as follows:

(1) "Adjusted cost" as used in this section and in KRS 342.745 means all compensation, hospital and medical benefits paid thereunder, plus an additional factor of twelve percent (12%) of such total payments, to cover the administrative cost of the employer. However in no event shall "adjusted cost" be less than *ten* [fifty] percent *(10%)* [(50%)] of the basic insurance premium computed by applying current manual rates for workmen's compensation insurance to the payroll of every employer carrying his own risk and for this purpose each such employer shall annually furnish payroll data to the department of revenue. "Adjusted cost" shall not include amounts paid for injuries occurring prior to March 22, 1962.

(2) In addition to the taxes and assessments imposed by KRS 342.450 and 342.475, a Special Fund tax at the rate of three-fourths (3/4) of one percent (1%) of the amount of premiums received shall be paid by every insurance carrier as defined in KRS 342.445, subject to the credits therein set out, and the department of revenue shall assess against the "adjusted cost" of every employer carrying his own risk a special fund tax computed by taking three-fourths (3/4) of one percent (1%) of the "adjusted cost" determined as provided in KRS 342.475. The provisions of KRS 342.450, 342.455, 342.460, 342.465 and 342.470 shall, so far as applicable, also apply to the levy and collection of such additional tax of three-fourths (3/4) of one percent (1%) of such premiums of insurance carriers.

(3) All taxes and assessments imposed by subsection (2) of this section shall be paid into the state treasury and shall be credited to the special fund for the board, which fund shall be used only for the payment of awards of compensation made by the board and chargeable against said fund, expenses of legal representation thereof, fees and expenses of the physicians in connection therewith, and shall be withdrawn for that purpose under the supervision of the commissioner of labor.

(4) Any sum remaining in the special fund at the end of any fiscal year shall be set up by the executive department for finance and administration to the credit of such fund for the next ensuing fiscal year.

(5) If the commissioner of labor finds that the special fund tax levied pursuant to this section is insufficient to pay such claims awarded under the special fund provisions, he shall advise the commissioner of revenue in writing of such fact. The commissioner of revenue may then levy additional assessments against all insurance companies writing workmen's compensation insurance in Kentucky, including every employer carrying his own risk. The amount of each insurance company's assessment shall be in the proportion that each company's annual workmen's compensation premium writings in Kentucky bears to the total of all annual workmen's compensation premiums written in Kentucky. Such assessment will be based upon information contained in the insurance company's last filed annual statement with the Department of Insurance. Such assessments against every employer carrying his own risk will be based upon that proportion which the "adjusted cost" of such own risk carrier bears to the total "adjusted cost" of all such own risk carriers. "Adjusted cost" reports filed with the board in accordance with KRS 342.475 will be the basis of such determination. Such additional assessment against insurance companies and employers carrying their own risk shall be apportioned between the two classes as the total of premiums and the total of "adjusted cost" each bears to the combined total.

(6) Except for a two percent (2%) collection fee allowance, all monies charged the insured for assessments and taxes under this chapter and KRS Chapter 136 shall be paid into the state treasury and credited to the appropriate fund for which said assessment or tax is charged. In no case shall the monies turned over be less than ninety-eight percent (98%) of the monies charged.

(7) The fund heretofore designated as the subsequent claim fund is abolished and there is substituted therefor the special fund as herein set out and all monies and properties owned by the subsequent claim fund are transferred to the special fund.

Section 3. KRS 342.620 is amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Injury" means any work related harmful change in the human organism, including damage to or loss of a prosthetic appliance, but does not include any communicable disease unless the risk of contracting such disease is increased by the nature of the employment. "Injury" when used generally, unless the context indicates otherwise, shall include an occupational disease.

(2) "Occupational disease" means a disease arising out of and in the course of the employment.

(a) A disease shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident to the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause. The disease shall be incidental to the character of the business and not independent of the relationship of employer and employe. The disease need not have been forseen or expected but, after its contraction, it must appear to be related to a risk connected with the employment and to have flowed from that source as a rational consequence.

(b) "Injurious exposure" as used in KRS 342.316 shall mean that exposure to occupational hazard which would, independently of any other cause whatsoever, produce or cause the disease for which claim is made.

(3) "Death" means death resulting from an injury or occupational disease.

(4) "Carrier" means any insurer, or legal representative thereof, authorized to insure the liability of employers under this chapter and includes a self-insurer.

(5) "Self-insurer" is an employer who has been authorized under the provisions of this chapter to carry his own liability on his employes covered by this chapter.

(6) "Department" means the department of labor.

(7) "Director" means the director of the workmen's compensation board.

(8) "Board" means the workmen's compensation board.

(9) "Disability" means, except for purposes of KRS 342.730(1) (c) relating to scheduled losses, a decrease of wage earning capacity due to injury or loss of ability to compete to obtain the kind of work the employe is customarily able to do, in the area where he lives, taking into consideration his age, occupation, education, effect upon employe's general health of continuing in the kind of work he is customarily able to do, and impairment or disfigurement. [A person who has lost wages by reason of his disability, and who is otherwise eligible for compensation, is entitled to compensation during the compensable period in an amount equal to the wages lost, so long as this amount does not exceed the applicable maximum compensation. For purposes of determining wages lost under this section, it is assumed that wage earning capacity prior to injury is the average weekly wage as calculated under KRS 342.140. An individual entitled to benefits under permanent partial disability shall be entitled to either his lost wages due to his injury, or body functional disability benefits, whichever is greater.]

(10) "Income benefits" means payments made under the provisions of this chapter to the disabled worker or his dependents in case of death, excluding medical and related benefits.

(11) "Medical and related benefits" means payments made for medical, hospital, burial and other services as provided in this chapter other than income benefits.

(12) "Compensation" means all payments made under the provisions of this chapter representing the sum of income benefits and medical and related benefits.

(13) "Medical services" means medical, surgical, dental, hospital, nursing and medical rehabilitation services, medicines, and fittings for artificial or prosthetic devices.

(14) "Person" means any individual, partnership, firm, association, trust, joint venture, corporation, or legal representative thereof.

(15) "Wages" means, in addition to money payments for services rendered, the reasonable value of board, rent, housing, lodging, fuel or similar advantages received from the employer, and gratuities received in the course of employment from others than the employer as evidenced by the employe's federal and state tax returns.

(16) "Agriculture" means the operation of farm premises, including the planting, cultivation, producing, growing, harvesting and preparation for market of agricultural or horticultural commodities thereon, the raising of livestock for food products and for racing purposes, and poultry thereon, and any work performed as an incident to or in conjunction with such farm operations. It shall not include the commercial processing, packing, drying, storing, or canning of such commodities for market, or making cheese or butter or other dairy products for market.

(17) "Beneficiary" means any person who is entitled to income benefits or medical and related benefits under this chapter.

(18) "United States" when used in a geographic sense, means the several states, the District of Columbia, the commonwealth of Puerto Rico, the Canal Zone, and the territories of the United States.

(19) "Alien" means a person who is not a citizen, a national or a resident of the United States or Canada. Any person not a citizen or national of the United States who relinquishes or is about to relinquish his residence in the United States shall be regarded as an alien.

(20) Except as otherwise provided in KRS 342.750, the formula for income benefits shall be 66-2/3 percent of the average weekly wages of the employe at the time of his injury, multiplied by the percentage of disability caused by the injury or occupational disease, subject to the limitation contained in KRS 342.740. Income benefits shall be payable during the apoplicable compensable period which is either (a) the specified number of weeks, or (b) the period of occupational disability during which the employe is disabled, or (c) where death results from the injury, the period during which the deceased's dependents qualify as such, or (d) where death is unrelated to the injury, the period during which the deceased's dependents qualify as such or during the period of the deceased's normal life expectancy, whichever is less.

Section 4. KRS 342.730 is amended to read as follows:

(1) Income benefits for disability shall be paid to the employe as follows, subject to the maximum and minimum limits specified in KRS 342.740:

(a) For total disability, 66 2/3 per cent of his average weekly wage during such disability.

(b) In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, or employe disabled by an occupational disease, income benefits shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury or at the time the disability from an occupational disease began. The income benefits paid therefor shall be 66 2/3 per cent of the average weekly earnings of the employe at the time of his injury , subject to the limitations contained in KRS 342.740, multiplied by the percentage of disability caused by the injury or occupational disease. [; provided, however, the individual entitled to benefits under permanent partial disability shall be entitled to income benefits based on lost wages or body functional disability benefits, whichever is greater] Notwithstanding any section of KRS Chapter 342 to the contrary, there shall be no minimum weekly income benefit for permanent partial disability.

(c) For total permanent bodily loss or losses herein scheduled, after and in addition to the income benefits payable during the period of recovery, scheduled income benefits in the amount of 66 2/3 per cent of the average weekly wage as follows:

BODILY LOSS	WEEKS OF DISABILITY
1. Arm	340
2. Leg	340
3. Hand	312

4. Foot	216
5. Thumb	86
6. Index finger	54
7. Middle finger	43
8. Ring finger	22
9. Little finger	16
10. Great toe	30
11. Second toe	20
12. Third toe	15
13. Fourth toe	8
14. Fifth toe	5
15. Total loss of binaural hearing	156
16. Total loss of vision of one eye	150
17. Total loss of bilateral vision	520
18. Total loss, or total loss of use, of both hands, both arms, both feet or both legs	520

19. Phalanges: For loss of distal phalanx, one-half of the income benefits for loss of the entire digit. For loss of more than the distal phalanx of a digit, the same as loss of the entire digit.

20. Two or more digits: For loss of two or more digits, or one or more phalanges of two or more digits, of a hand or foot, scheduled income benefits may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the scheduled income benefits for loss of a hand or foot.

21. Total loss of use: Scheduled income benefits for permanent total loss of use of a member shall be the same as for loss of the member.

22. Partial loss or partial loss of use: Scheduled income benefits for permanent partial loss of use of a member shall be for a period proportionate to the period benefits are payable for total loss or total loss of use of the member as such partial loss bears to total loss.

23. Loss of hearing or partial loss of bilateral vision: Scheduled income benefits for partial loss of vision in one or both eyes, or total loss of hearing in one ear, or partial loss of hearing in one or both ears shall be for a period proportionate to the period benefits are payable for total bilateral loss of vision or total binaural loss of hearing as such partial loss bears to total loss. The provisions of paragraphs (d) to (h) of subsection (2) of this section shall apply to scheduled losses of hearing.

24. In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member set forth in subparagraphs 1. to 23. of this subsection, scheduled income benefits shall be for the loss of use of each such member or part thereof, with the periods of benefits to run consecutively.

25. Other losses: Proper and equitable scheduled income benefits shall be paid for serious permanent disfigurement of face, head, neck or other area normally exposed and for loss or loss of function of a major member or organ when such disfigurement or loss is of a kind likely to handicap the employe in securing or holding employment.

26. In any case of total or partial loss of use of a member or organ, of hearing or vision, or in any case of disfigurement, determination of the period for which scheduled income benefits are payable shall not be made until the maximum of healing and of restoration function has been attained.

27. If the effects of any of the injuries, or disabilities, from occupational diseases, or losses, mentioned in this section adversely affect a workman's ability to labor, or limit his occupational opportunities to obtain the kind of work he is customarily able to do; his compensation benefits shall not be limited to the amounts provided by this section, and he shall be awarded compensation benefits under some other applicable or appropriate section of this chapter which would provide more compensation benefits for his disability.

(2) Occupational deafness means permanent partial or permanent total loss of hearing of one or both ears caused by prolonged exposure to harmful noise in employment. The following provisions shall apply exclusively to loss of hearing compensable under this subsection:

(a) No claim for scheduled income benefits shall be heard until the lapse of six full consecutive calendar months after the termination of exposure to harmful noise in employment. The time limitation for the filing of claims for occupational deafness shall not begin to run earlier than the day following the termination date of such six months' period. The time for filing claim as provided under this paragraph shall be applicable not only in respect of the last employer, but also in respect of any prior employer who may have liability to pay compensation for the occupational deafness.

(b) No employer shall be liable for the payment of scheduled income benefits for occupational deafness unless the employe claiming benefits shall have worked for such employer in employment exposing the employe to harmful noise for a total period of at least 90 days.

(c) An employer, otherwise liable under this subsection, whose employment has contributed to any extent to an employe's occupational deafness shall be liable for the full extent of the deafness of the employe, unless such employer shall establish by competent evidence (including the results of a professionally controlled hearing test) the extent of the employe's deafness as it existed prior to exposure to harmful noise in the employer's employment. Upon such showing the employer shall be liable to the employe only for the proportion of the deafness attributable to employment by him. An employer liable to the employe for the full extent of the employe's occupational deafness may implead, in a compensation proceeding on the employe's claim, any prior employer or employers in whose employment the employe had been exposed to harmful noise, and if it should be found that the impleaded employer would have been liable to the employe under this subsection, had the employe proceeded against him, under the claim being adjudicated, the employer held liable shall be entitled to an award against the impleaded employer. The impleading of an employer shall be accomplished by notice on a form prescribed by the board. Such notice shall be sent to the impleaded employer and to the board. An award may be made in favor of the employer liable to the employe, and against the impleaded employer or employers, which award may be enforced in the same manner as awards to employes. The impleaded employer or employers shall bear equal shares with the employer of the employer's liability to the employe, unless the evidence warrants a different apportionment.

(d) Losses of hearing due to industrial noise for compensation purposes shall be confined to the frequencies of 500, 1,000, and 2,000 cycles per second. Loss of hearing ability for frequency tones above 2,000 cycles per second are not to be considered as constituting disability for hearing.

(e) The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average, in decibels, of the thresholds of hearing for the frequencies of 500, 1,000, and 2,000 cycles per second. Pure tone air conduction audiometric instruments, approved by nationally recognized authorities in this field, shall be used for measuring hearing loss. If the losses of hearing average 15 decibels or less in the three frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of hearing average 82 decibels or more in the three frequencies, then the same shall constitute and be a total or 100 percent compensable hearing loss.

(f) In measuring hearing impairment, the lowest measured losses in each of the three frequencies shall be added together and divided by three to determine the average decibel loss. For every decibel of loss exceeding 15 decibels an allowance of one and one-half percent shall be made up to the maximum of 100 percent which is reached at 82 decibels.

(g) In determining the binaural percentage of loss, the percentage of impairment in the better ear shall be multiplied by five. The resulting figure shall be added to the percentage of impairment in the poorer ear and the sum of the two divided by six. The final percentage shall represent the binaural hearing impairment.

(h) Before determining the percentage of hearing impairment, in order to allow for the average amount of hearing loss from non-occupational causes found in the population at any given age, there shall be deducted from the total average decibel loss, one-half decibel for each year of the employe's age over 40 at the time of last exposure to industrial noise.

(i) No consideration shall be given to the question of whether or not the ability of an employe to understand speech is improved by the use of a hearing aid.

(3) The period of any scheduled income benefits payable under this section on account of any injury shall be reduced by the period of income benefits paid or payable under this chapter on account of a prior injury if scheduled income benefits in both cases are for disability of the same member or function, or different parts of the same member or function, and the scheduled income benefits payable on account of the subsequent disability in whole or in part would duplicate the scheduled income benefits payable on account of the pre-existing disability.

(4) When an employe, who has sustained disability compensable under this section, and who has filed, or could have timely filed, a valid claim in his lifetime, dies from causes other than the injury before the expiration of the compensable period specified, the income benefits specified and unpaid at the individual's death, whether or not accrued or due at his death, shall be paid, under an award made before or after such

death, for the period specified in this section, to and for the benefit of the persons within the classes at the time of death and in the proportions and upon the conditions specified in this section and in the order named:

(a) To the widow or widower, if there is no child under the age of 18 or incapable of self-support; or

(b) If there are both such a widow or widower and such a child or children one-half to such widow or widower and the other half to such child or children; or

(c) If there is no such widow or widower but such a child or children, then to such child or children; or

(d) If there is no survivor in the above classes, then the parent or parents wholly or partly actually dependent for support upon the decedent, or to other wholly or partly actually dependent relatives listed in paragraph (g) of subsection (1) of KRS 342.750 or to both, in such proportions as the board may provide by regulation.

Section 5. KRS 342.760 is amended to read as follows:

(1) There is hereby authorized in the state treasury an uninsured employers' fund for the purpose of making payments in accordance with the provisions of subsection (4) of this section. The state treasurer shall be the custodian of the fund and all moneys and securities in the fund shall be held in trust by the state treasurer and shall not be considered a part of the general funds of the state.

(2) The state treasurer is authorized to disburse moneys from the fund only upon written order of the board.

(3) All amounts collected as fines and penalties under this chapter shall be paid into the uninsured employers' fund. There shall initially be transferred to the fund from the maintenance fund beginning January 1, 1973, the sum of $100,000.

(4) Upon the action taken in subsection (3) the uninsured employers' fund will become operative, compensation thereafter shall be paid from it when there has been default in the payment of compensation due to the failure of an employer to secure payment of compensation as provided by this chapter. Such employer shall be liable for payment into the fund of the amounts authorized to be paid therefrom under the authority of this subsection and for the purposes of enforcing this liability the board, for the benefit of the fund, shall be subrogated to all the rights of the person receiving such compensation.

(5) In furtherance of this purpose, the attorney general shall appoint a member or members of his staff or special counsel to represent the fund in all proceedings brought to enforce claims against or on behalf of the fund. Necessary expenses for this purpose including salaries of said staff or special counsel shall be borne by the fund. The attorney general's office shall be responsible for the administration of the uninsured employers' fund and shall be charged with the conservation of the assets of the fund.

(6) If at any time the *assets of the uninsured employers' fund fall below $50,000* [charges against the uninsured employers' fund exceed the assets of said fund], the board, with approval of the commissioner of the executive department for finance and administration and commissioner of labor, may transfer sufficient moneys from the maintenance fund to the uninsured employers' fund in order to honor claims filed against said uninsured employers' fund and to provide for the administration of the fund.

Section 6. KRS 304.13-040 is amended to read as follows:

(1) Every insurer shall file with the commissioner, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated.

(2) *Every insuree offering workmens' compensation insurance coverage to employers in this state shall on or before July 1 of each year file with the commissioner every manual, minimum, class rate, rating schedule or rating plan and every other rating rule and every modification of any of the foregoing which it proposes to use.*

(3) [When a filing is not accompanied by the information upon which the insurer supports such filing, and] The commissioner [does not have sufficient information to determine whether such filing meets the requirements of this subtitle he] shall require the insurer to furnish the information upon which it supports the filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing *shall* [may] include:

(a) The experience [or judgment] of the insurer or rating organization making the filing,

(b) Its interpretation of any statistical data it relies upon,

(c) The experience of other insurers or rating organizations, [or]

(d) The data and records upon which the filing is based including, in the case of filings made by rating organizations, the reports of the member insurers to such rating organizations upon which the filing is based,

(e) The actual and incurred losses for the preceding calendar year and the most recent policy year losses for a three year period for which such information is available,

(f) The premium income, received and earned during the preceding calendar year and the most recent policy year premium income for a three year period for which such information is available,

(g) The actual and accrued expenses of the insurees for each of the three preceding calendar years, or

(h) [(d)] Any other relevant factors.

(4) [(3)] A filing and any supporting information shall be open to public inspection after the filing becomes effective, except as provided in subsection (4) of KRS 304.13-050. Specific inland marine rates on risks specifically rated, made by a rating organization, shall be filed with the commissioner, and shall become effective when filed and shall be deemed approved and in compliance with the requirements of this subtitle until such time as the commissioner rejects the filing.

Section 7. KRS 304.13-050 is amended to read as follows:

(1) The commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the applicable requirements of this subtitle.

(2) Subject to the exception specified in subsection (3) of KRS 304.13-040 with reference to specific inland marine rates made by a rating organization, and subsections (3) and (4) of this section, each filing shall be on file for a waiting period of thirty (30) days before it becomes effective, which period may be extended by the commissioner for an additional period not to exceed thirty (30) days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the commissioner may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this subtitle unless disapproved by the commissioner within the waiting period or any extension thereof.

(3) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this subtitle until such time as the commissioner rejects the filing.

(4) The commissioner may, when he deems it to be in the public interest, hold a public hearing on any filing before said filing becomes effective to determine whether or not the filing meets the requirements of this subtitle. *The commissioner shall hold a public hearing on all filings respecting workmens' compensation insurance, and shall cause the filing and the supporting information to be examined by an independent, qualified actuary who shall file a written report of his examination and evaluation prior to the date set for the public hearing.* When the commissioner has determined that a hearing shall be held relative to any filing, the filing and any supporting information filed therewith shall be open to public inspection immediately upon the giving of notice as required by this subsection. Before such hearing the rating organization or insurer making such filing shall be given ten (10) days' written notice of the time and place of such hearing, and the public shall be given notice by publication pursuant to KRS chapter 424. The commissioner shall promulgate reasonable regulations to prevent the avoidance of normal expirations and renewal dates of policies, or contracts of insurance, that may be affected by such filings. In the event that a hearing is held under the provisions of this subsection the waiting periods specified in subsection (2) of this section shall not begin to run until thirty (30) days after the close of such hearing.

(5) In the review of any filing made pursuant to KRS 304.13-040 either prior to its becoming effective, or upon a subsequent review as provided for in KRS 304.13-080, the burden of establishing that the filing under consideration meets the requirements of this subtitle shall be on the insurer or rating organization which makes such filing.

(6) The public hearings shall be conducted in accordance with the Kentucky Rules of Civil Procedure and the formal rules of evidence shall apply.

SECTION 8. A NEW SECTION OF KRS CHAPTER 304, SUBTITLE 13, IS CREATED TO READ AS FOLLOWS:

With respect to any filing which, if approved, would result in a reduction of rates, the commissioner shall immediately order the proposed rates to be effective. If upon the commissioner's review of the filing or as a result of a public hearing it appears that the proposed rates should be further reduced, the commissioner may order the insurer or rating organization to show cause within thirty (30) days why such rates should not be further reduced in accordance with the order.

Amend printed copy of Senate Committee Substitute for **HB 358** as follows: Senate Amendment 1, page 23, line 14, by deleting the word "*insuree*" and inserting in lieu thereof the word "*insurer*"

and on page 24, line 21, by deleting the word "*insurees*" and inserting in lieu thereof the word "*insurers*" and on page 24, line 22, by deleting the word "*or*" and inserting in lieu thereof the word "*and*"

Senate Amendment 2, page 7, line 3, after the word "organism" and before the comma add: "*arising out of and in the course of his employment*"

and on page 12, line 3, delete [all other]

and on page 12, line 4, after the word "disability" and before the comma, add: "*not covered by subsection (c) hereof*"

and on page 12, line 7, after the word "benefit" add: "*shall be paid for a period not to exceed a maximum of 520 weeks and*"

and on page 13, delete lines 21 through 23

change paragraphs 19 through 26 to paragraphs 17 through 24

and on page 15, line 19, delete through page 16, line 2.

Senate Amendment 3, page 3, line 5, delete lines 5-20 and insert in lieu thereof the following: "*In making the computation for the apportionment of benefits under subsections (3) and (4) of this section, the board shall apply the following procedures: after the amount of the employe's weekly income benefits is determined, the percentage thereof attributable to pre-existing active disability for the prior disabling injury, disease or condition shall be excluded, and the balance shall be apportioned between the employer and Special Fund as provided in subsections (3) and (4) of this section.*"

Senate Amendment 6, page 28, after line 27, by adding the following: "The Secretary of the Executive Department for Finance and Administration is hereby authorized to transfer up to a maximum of $4,000,000 of income from the investment of state funds for fiscal year 1978-79 and up to a maximum of $4,000,000 of income from the investment of state funds for fiscal year 1979-80 to the Department of Labor— Special Fund. Said funds shall be deposited to the credit of the Special Fund and shall be spent in accordance with KRS 342.122."

Senate Amendment 8, page 4, line 2, by deleting the word "*ten*" and inserting in lieu thereof the word "*twenty*";

and on page 4, line 3, by deleting "*(10%)*" and inserting in lieu thereof "*(20%)*".

On the roll call the vote was yeas 48-J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Clapp, Clarke, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Gray, Guy, Head, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Little, Mann, McKinney, Nett, Noe, Priddy, B. Richardson, Romines, Siemens, F. Smith, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Yates. Nays 38-W. Allen, Arnold, Bruce, Burch, Burnette, Carpenter, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Foster, Guenthner, Hancock, Holbrook, Holloway, Hurst, Imes, Jones, Layman, List, Marcum, May, Maynard, McNutt, Morris, O'Brien, Patrick, Pearman, Plummer, Rattliff, P. Richardson, Sale, Schmidt, R. Smith, Tobin, Trevey.

The motion that the House refuse to concur in the Senate Amendment to HB 358 was adopted.

Representative B. Richardson moved that the rules be suspended to act on Senate Bills in Orders of the Day. Agreed.

SB 301, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of the Committee Substitute to **SB 301.** Agreed.

Representative Fitzgerald moved that **SB 301,** by way of Committee Substitute, be passed.

On the roll call the vote was yeas 48-Adams, J. Allen, Benson, Beshear, Blandford, Boswell, Brinkley, Bruce, Burch, Clapp, Clarke, Craddock, Cyrus, DeFalaise, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Hines, Imes, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, List, Mann, McBee, Nett, Petty, Priddy, B. Richardson, Sale, Schmidt, Siemens, Stone, Trevey, Van Horn, Weinberg, Wells, Wilborn, Wright, Yates. Nays 29-Arnold, Bennett, Boatwright, Brown, Burnette, Carpenter, Crupper, Davenport, Dawahare, Guenthner, Head, Holbrook, Holloway, Johnson, Lindsay, Little, Marcum, May, Maynard, McKinney, McNutt, Morris, Pearman, P. Richardson, Riner, Romines, F. Smith, Tobin, Worthington.

SB 301, by way of Committee Substitute, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 301,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 136 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 64-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Burch, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, McBee, McNutt, Morris, Nett, O'Brien, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Sale, Schmidt, Siemens, R. Smith, Thomas, Trevey, Van Horn, Weinberg, Wells, Wilborn, Wright, Yates. Nays 10-Brown, Burnette, Carpenter, Crupper, Head, Hurst, Lindsay, Pearman, Romines, Tobin.

SB 136 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 136** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 204 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that **SB 204** be passed.

On the roll call the vote was yeas 63-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boswell, Bruce, Burch, Carpenter, Clapp, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Haering, Hancock, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kidd, LeMaster, Lindsay, List, Little, Mann, Maynard, McBee, Morris, Nett, O'Brien, Petty, Priddy, Richards, B. Richardson, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Tobin, Trevey, Van Horn, Weinberg, Wells, Wilborn, Wright, Yates. Nays 12-Boatwright, Burnette, Craddock, Crupper, Gray, Head, Marcum, McNutt, Patrick, Pearman, Rattliff, Riner.

SB 204 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 204** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 306 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72-Adams, J. Allen, Arnold, Bendl, Bennett, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Little, Mann, May, McBee, McKinney, McNutt, Morris, Nett, O'Brien, Petty, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Romines, Schmidt, Siemens, R. Smith, Stewart, Stone, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Wright, Yates. Nays 0.

SB 306 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 306** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 171 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved that **SB 171** be laid on the Clerk's desk. Agreed.

Senate Message

Announcing passage of **HB 471, HB 523, HB 266, HB 659, HB 420, HB 559, HB 531, HB 231, HB 605, HB 293, HR 71, HR 70, HR 83, HR 73, HR 72, HB 634** with Amendment, **HB 448** with Amendment, **HB 168** with Amendment, **HB 166** with Amendment, **HB 165** with Amendment, **HB 514** with Amendment, **HR 74** with Amendment.

Orders of the Day (continued)

SB 236, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Schmidt moved that **SB 236** as previously amended be passed.

Representative Clapp presiding.

On the roll call the vote was yeas 21-Bendl, Bennett, Burch, Clarke, DeFalaise, Dietz, Donnermeyer, Dunn, Guenthner, Hancock, Isler, Kenton, Kleier, Mann, Maynard, Petty, Priddy, Schmidt, Siemens, Van Horn, Wilborn. Nays 59-Adams, J. Allen, W. Allen, Arnold, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, Deskins, Fitzgerald, Foster, Gray, Guy, Head, Holbrook, Imes, Johnson, Jones, Layman, LeMaster, Lindsay, List, Little, May, McBee, McKinney, McNutt, Morris, Noe, O'Brien, Patrick, Pearman, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, R. Smith, Stewart, Stone, Thomas, Tobin, Weinberg, White, Worthington, Yates.

SB 236, as amended, was defeated.

Representative Imes moved that the vote by which **SB 236,** as amended, was defeated be reconsidered and said motion be postponed indefinitely. Agreed.

SB 41 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that the rules be suspended to allow consideration of amendments filed today.

Representative J. Allen moved that **SB 41** be laid on the table.

On the roll call the vote was yeas 5-J. Allen, Donnermeyer, May, McBee, Van Horn. Nays 43-Adams, W. Allen, Bendl, Bennett, Benson, Boswell, Burnette, Carpenter, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Holbrook, Imes, Isler, LeMaster, Lindsay, List, Little, Mann, McNutt, Morris, Nett, Noe, Patrick, Priddy, Richards, B. Richardson, Riner, Thomas, Weinberg, Wilborn, Worthington.

The motion that **SB 41** be laid on the table was rejected.

Representative Lindsay moved that **SB 41** be laid on the Clerk's desk.

On the roll call the vote was yeas 46-Aams, J. Allen, Arnold, Bendl, Bennett, Beshear, Boatwright, Boswell, Brown, Bruce, Burch, Carpenter, Clarke, Craddock, Cyrus, Davenport, Deskins, Dietz, Donnermeyer, Gray, Guy, Hines, Imes, Isler, LeMaster, Lindsay, List, May, McBee, Morris, Petty, Priddy, Rattliff, B. Richardson, Riner, Robinson, Romines, Sale, Siemens, Stewart, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn. Nays 17-W. Allen, Burnette, Dawahare, Fitzgerald, Foster, Holbrook, Jones, Layman, Little, Nett, Noe, Patrick, Richards, Schmidt, Stone, Thomas, Worthington.

The motion that **SB 41** be laid on the Clerk's desk was adopted.

SB 263 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 53-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Boswell, Burch, Craddock, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Guy, Hancock, Holbrook, Imes, Isler, Jones, Kidd, Kleier, LeMaster, List, Little, Mann, May, McBee, McNutt, Morris, Noe, O'Brien, Petty, Plummer, Priddy, B. Richardson, P. Richardson, Sale, Siemens, R. Smith, Stewart, Stone, Tobin, Trevey, Van Horn, Weinberg, Wilborn, Yates. Nays 6-Boatwright, Clarke, Gray, Johnson, Patrick, Pearman.

SB 263 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 263** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 320 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **SB 320** be passed.

Representative White moved the adoption of the following Floor Amendment No. 1 to **SB 320:**

Amend printed copy of **SB 320,** page 1, after line 13, by adding the following after line 13:

"Section 2. KRS 304.3-200 is amended to read as follows:

(1) The commissioner may, in his discretion, refuse to continue or may suspend or revoke an insurer's certificate of authority if he finds after a hearing thereon, or upon waiver of hearing by the insurer, that the insurer has:

(a) Wilfully violated or wilfully failed to comply with any lawful order of the commissioner; or

(b) Wilfully violated or wilfully failed to comply with any lawful regulation of the commissioner; or

(c) Wilfully violated any provision of this code other than those for violation of which suspension or revocation is mandatory; or

(d) Failed to pay taxes on its premiums as required by law.

In lieu of such suspension or revocation, the commissioner may, in his discretion, levy upon the insurer, and the insurer shall pay forthwith, an administrative fine of not more than two thousand dollars ($2,000).

(2) The commissioner shall suspend or revoke an insurer's certificate of authority on any of the following grounds, if he finds after a hearing thereon that the insurer:

(a) Is in unsound condition, or is being fraudulently conducted, or is in such condition or using such methods and practices in the conduct of its business as to render its further transaction of insurance in this state currently or prospectively hazardous or injurious to policyholders or to the public.

(b) With such frequency as to indicate its general business practice in this state:

1. Has without just cause failed to pay, or delayed payment of, claims arising under its policies, whether the claim is in favor of an insured or is in favor of a third person with respect to the liability of an insured to such third person; or

2. Without just cause compels insureds or claimants to accept less than the amount due them or to employ attorneys or to bring suit against the insurer or such an insured to secure full payment or settlement of such claims.

(c) Refuses to be examined, or if its directors, officers, employes or representatives refuse to submit to examination relative to its affairs, or to produce its accounts, records and files for examination by the commissioner when required, or refuse to perform any legal obligation relative to the examination.

(d) Has failed to pay any final judgment rendered against it in this state upon any policy, bond, recognizance or undertaking as issued or guaranteed by it, within thirty (30) days after the judgment became final or within thirty (30) days after dismissal of an appeal before final determination, whichever date is the later.

(e) Has actual knowledge by the chief executive officer of person in charge of Kentucky operations that an agent employed by the insurer has engaged or is engaging in conduct in violation of this code and the insurer has failed to report such conduct to the department.

(f) No insurer, its agents, servants, or employees shall incur any liability in connection with or as a result of any disclosure made to the Commissioner of Insurance pursuant to the provisions of this section.

(3) The commissioner may, in his discretion and without advance notice or a hearing thereon, immediately suspend the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation or other delinquency proceedings have been commenced in any state by the public insurance supervisory officer of such state.

SECTION 3. A NEW SECTION OF SUBTITLE 9 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) For the purpose of this section:

(a) "Implied authority" means that which is proper, usual, and necessary to the exercise of the authority granted in the agency contract;

(b) "Apparent authority" means written or spoken words or any other conduct of the insurer which, reasonably interpreted, causes the third person to believe that the insurer consents to have the act done on his behalf by the person purporting to act for him.

(2) An insurer is liable for the acts of an agent:

(a) Acting with expressed or implied authority;

(b) Acting with apparent authority unless the insured knows the agent exceeded his powers; or

(c) Which usually accompany or are incidental to transactions which the agent is authorized to conduct if, although the acts are forbidden by the insurer, the insured reasonably believes that the agent is authorized to do them and has no notice that he is not so authorized.

(3) If an agent is employed by more than one insurer and there is no showing as to which insurer he is acting for at the time of the alleged wrongful act, each insurer shall be equally liable for the act of the agent under this section."

Agreed.

Representative White moved the adoption of the following Floor Amendment No. 2 to **SB 320**:

Amend printed of Floor Amendment No.1 to **SB 320**, pages 4 and 5, by deleting same.

Agreed.

Representative Bruce moved that **SB 320**, as amended, be passed.

On the roll call the vote was yeas 67-Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Fitzgerald, Foster, Gray, Guy, Haering, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, Little, May, McKinney, McNutt, Morris, Nett, Noe, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, Riner, Robinson, Romines, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Wright, Yates. Nays 4-Hancock, Holloway, Kleier, P. Richardson.

SB 320, as amended, was passed and the title agreed to.

Representative Bruce moved that the vote by which **SB 320**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 100, HB 449, HB 528, HB 534, HB 545, HB 548, HB 573, HB 607, HB 618, HB 643, HB 644, HB 650, HB 651, HB 657, HB 660, HB 661, HB 675, HB 676, HB 684, HB 702, HB 704, HB 722, HB 727, HB 757, HJR 16, HJR 61, HJR 78, HJR 79, HJR 86, HCR 88, HJR 96, HCR 102** and **HCR 116** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 100, HB 449, HB 528, HB 534, HB 545, HB 548, HB 573, HB 607, HB 618, HB 643, HB 644, HB 650, HB 651, HB 657, HB 660, HB 661, HB 675, HB 676, HB 684, HB 702, HB 704, HB 722, HB 727, HB 757, HJR 16, HJR 61, HJR 78, HJR 79, HJR 86, HCR 88, HJR 96, HCR 102, HCR 116 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourn, it do so until 10:00 a.m., Saturday, March 18, 1978. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so by voice vote. Agreed.

Representative B. Richardson moved that no business be conducted on this day other than Enrollment of Bills and Resolutions, Motions, Petitions, Communications and Report of Committees. Agreed.

Motions, Petitions and Communications

Speaker Kenton presiding.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors of Bills and Resolutions. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members requested that their names be added as co-sponsors of Bills and Resolutions: Representative Imes, **HCR 50, HCR 99, HB 15, HB 55, HB 102, HB 135, HB 141, HB 142, HB 214, HB 229, HB 230, HB 231, HB 257, HB 274, HB 318, HB 326, HB 328, HB 350, HB 363, HB 382, HB 401, HB 404, HB 446, HB 447, HB 449, HB 474, HB 517, HB 538, HB 761**; Representative Noe, **HB 717**; Representative F. Smith, **HB 717.**

Representative Benson requested that his name be withdrawn as co-sponsor of **HB 156.**

Representative Romines moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Romines requested that he be recorded as voting "yea" on **HB 67.** Agreed.

Representative Foster moved the adoption of the following Legislative Citation No. 71.

The House of Representatives of the Commonwealth of Kentucky hereby commends Mrs. Marie Turner for outstanding work as an educator for thirty years and she deserves special recognition for her superior accomplishments with the Russellville High School science program. Mrs. Turner, as chairman of the science department, has produced a number of graduates who have chosen science as a career; she was instrumental in establishing an environmental science program, obtaining a greenhouse and outdoor classrooms. Mrs. Turner was named the outstanding educator at the Regional Science Fair which she organized. In addition to her special accomplishments, Mrs. Turner is also very active in church and civic affairs. We are proud of her outstanding record of dedication. (Sponsored by Representative Foster)

Agreed.

Representative P. Richardson moved the adoption of the following Legislative Citation No. 69.

The House of Representatives of the Commonwealth of Kentucky hereby expresses its deep appreciation to Mrs. Ann W. Sharp who teaches at Conkwright Junior High School in Winchester, Kentucky for her excellent leadership in the selection of the pages who served the House of Representatives during the 1978 session. Mrs. Sharp's guidance of this fine group of young people enabled them to participate in an educational experience which will benefit them in their future years. This body commends Mrs. Sharp for her efforts in behalf of the students of Conkwright Junior High School. (Sponsored by Representative P. Richardson)

Agreed.

The following members made spearate motions to suspend the rules for the purpose of recording votes. Each motion to suspend the rules was agreed upon.

Representative Brinkley moved that he be recorded as voting "nay" on **SB 317.** Agreed.

Representative Robinson moved that he be recorded as voting "yea" in concurrence of Senate Amendment to **SB 358.** Agreed.

Representative Holbrook moved that he be recorded as voting "nay" in concurrence of Senate Amendment to and passage of **HB 567.** Agreed.

Representative Cyrus moved that he be recorded as voting "nay" in concurrence of Senate Amendment to **HB 567.** Agreed.

Representative Bruce moved that he be recorded as voting "nay" on **HB 44.** Agreed.

Representative McNutt moved that she be recorded as voting "nay" on **HB 216.** Agreed.

Representative Bruce moved that he be recorded as voting "nay" on **HB 216.** Agreed.

Representative Boatwright moved that he be recorded as voting "nay" on **SB 317.** AGreed.

Representative Wright moved that he be recorded as voting "yea" on **HB 358.** Agreed.

Representative Haering moved that he be recorded as voting "yea" on **HB 358.** Agreed.

Representative Nett moved that he be recorded as voting "nay" on **HB 23** as amended by Senate, "nay" on **HB 318** as amended by Senate, "yea" on **HB 12** as amended by Senate, "yea" on **HB 31** as amended by Senate, "yea" on HB 35 as amended by Senate, "yea" on **HB 39** as amended by Senate, "yea" on HB 64 as amended by Senate, "yea" on **HB 100** as amended by Senate.

Representative Haering moved the adoption of the following Legislative Citation No. 72.

The House of Representatives of the Commonwealth of Kentucky hereby acknowledges and commends the students of the University of Louisville Local Government Law Center, under the capable direction of Professor William Biggs, for their outstanding service to members of this honorable body during the 1978 session. This body appreciates the tireless efforts of this dedicated group of young men and women in summarizing legislation and making it more easily understood by those of us charged with the responsibility of considering and acting upon it. Their work has made it possible for those of us who have benefited from their services to better carry out our duties as elected representatives of the people and for this we owe and do hereby extend to them our undying gratitude and hope that in future years this valuable service may be extended to every member of the General Assembly. (Sponsored by Representative Haering)

Agreed.

Representative Riner moved that the rules be suspended to act on a Resolution. Agreed.

Representative Riner moved the adoption of the following **HR 137.**

HR 137, A RESOLUTION to adjourn the House of Representatives in memory and honor of J. Edgar Hoover.

WHEREAS, J. Edgar Hoover served as director of the Federal Bureau of Investigation for forty-eight years; and

WHEREAS, J. Edgar Hoover is credited with making the initials FBI a symbol of U.S. law enforcement; and

WHEREAS, J. Edgar Hoover established the FBI National Academy which is attended by selected law enforcement officers from all parts of the country; and

WHEREAS, under his leadership the FBI became known for its integrity and freedom from political control;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day, it does so in honor and memory of J. Edgar Hoover.

On the roll call the vote was yeas 11-Bennett, Brinkley, DeFalaise, Guenthner, Hancock, Holbrook, Holloway, Imes, Plummer, Riner, Robinson. Nays 12-Adams, Boatwright, Donnermeyer, Gray, Johnson, Kenton, Mann, McBee, Nett, Petty, B. Richardson, Van Horn.

The motion that **HR 137** be adopted was rejected.

Representative Little moved the adoption of the following Legislative Citation No. 78.

The House of Representatives of the Commonwealth of Kentucky hereby commends the Virgie High School Eagles Basketball Team for winning the Fifteenth Regional Basketball Tournament for the second straight year and qualifying to play in the Sweet Sixteen Basketball Tournament. We extend our congratulations to the following coaches, managers and members of the basketball team: Coach Eugene Lyons, Assistant Coach Carl Johnson, Managers: Timmy Adams, Randy May, Ronnie Damron, Chris Patton and Kevin Brewer, Players: Robert Newsome, Stonie Newsome, Mike May, Rodney Rowe, Jeff McPeek, Jimmy Kiser, Greg Newsome, Randy Bentley, Terry Spears, Clifford Harmon, David Hall and Paul Adams. The Virgie High School Eagles have done an outstanding job and their performance had made the citizens of the Commonwealth very proud of them. (Sponsored by Representative Little)

Agreed.

Representative Hancock moved the adoption of the following Legislative Citation No. 5:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates Ollie C. Leathers, Superintendent of the Frankfort Independent Schools who began his career as a high school teacher and achieved the highest rank, that of Superintendent. He was an outstanding football Coach, meriting the Press Association Coach of the Year Award and the Central Kentucky Conference Coach of Year. He produced several Championship teams including Class A runner-up. He has served his community and Church with distinction-former president of the YMCA Board of Directors for 3 years, recipient of the Distinguished Service to Youth Award, an Elder in the First Presbyterian Church and a leader in the Rotary Club. We salute O.C. Leathers for his great contributions to Frankfort Independent Schools, the Community, and Commonwealth of Kentucky. (Sponsored by Representative Hancock)

Agreed.

Representative Bendl moved that the rules be suspended for the purpose of acting on a Resolution. Agreed.

Representative Bendl moved the adoption of the following **HR 131:**

HR 131, A RESOLUTION relating to public records and reports of the Kentucky department for human resources.

WHEREAS, there has not been a logical, systematic procedure of information sharing regarding the compilation and publication of all public reports and records of the Kentucky department for human resources;

NOW, THEREFORE,
Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky department for human resources is urged to compile a complete list and brief summaries of all reports, projects, and research documents, other than confidential records and reports encompassed in KRS 194.060, that have been generated by the department and that have been published or filed internally, within the agency, or externally, with any other agency, be it local, state or federal.

Section 2. That the department is urged to make the list cumulative, update it monthly, and file it with the library of the legislative research commission and that upon request by any citizen or agency, the department for human resources,is urged to make available a copy of the requested document free of charge.

Representative Boatwright presiding.

The Chair ruled adopted by voice vote.

Representatives Imes and Adams appealed the decision of the Chair.

Representative Brinkley presiding.

Representative Brinkley ruled an appeal of the decision of the Chair was not debatable.

On the roll call the vote was yeas 2-Bendl, Boatwright. Nays 16-Adams, Bennett, Donnermeyer, Gray, Holbrook, Holloway, Isler, Johnson, McBee, Patrick, Petty, B. Richardson, Van Horn, Williams, Wright, Yates.

The Chair was overruled.

Representative Imes moved that the vote on **HR 131** be reconsidered. Agreed.

Representative Bendl moved the adoption of **HR 131.**

HR 131 was rejected by voice vote.

Representative Bendl requested that her explanation of her vote be spread upon the Journal. "You are not better than I, there are just more of you."

Representative B. Richardson moved that the rules be suspended for Report of Committees. Agreed.

Report of Committees.

The Committee on Rules reported that **SCR 46** and **SB 173** have been posted for passage in Orders of the Day on March 17, 1978.

Announcements

The Clerk announced the filing of the following Floor Amendment to Bills and Resolutions.

Floor Amendment (Title) No. 3 to **SB 41** by Representative Richards.

Floor Amendment No. 4 to **SB 41** by Representative Richards.

Floor Amendment No. 3 to **SB 269** by Representative Lindsay.

Floor Amendment (Title) No. 1 and Floor Amendments Nos. 1 and 2 to **SB 171** by Representative Yates.

Floor Amendment No. 8 to **SB 173** by Representative DeFalaise.

Floor (Title) Amendment and Floor Amendment No. 1 to **SB 306** by Representative Williams.

Adjournment

Representative B. Richardson moved that the House adjourn until 10:00 a.m., Saturday, March 18, 1978.

The motion to adjourn was adopted by voice vote.

SATURDAY, MARCH 18, 1978

SIXTIETH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Reverend Charles Kiser, United Methodist Church, Vine Grove, Kentucky.

The roll was call. All members present.

Representative Brinkley moved that the reading of the Journal of March 17, 1978, be dispensed with and the same approved. Agreed.

Orders of the Day

Representative Haering moved that the rules be suspended for action on Legislative Citations. Agreed.

Representative Haering moved the adoption of the following Legislative Citation No. 81:

The House of Representatives hereby commends Helen Scott for her services in communications. She is someone very special to us because of her exceptional courtesies and hospitality that has been a perfect combination for heavily burdened and weary legislators. Her ready simle and warmth, her cheerful attitude, patience and willingness to take telephone messages has contributed immensely to our needs and comfort. We honor Helen Scott for her excellent services and extend our best wishes to her. (Sponsored by Representatives Wright and Haering)

Agreed.

Representative Haering moved the adoption of the following Legislative Citation No. 82:

The House of Representatives hereby commends Kathleen Ramsey for her services in communications. She is someone very special to us because of here exceptional courtesies and hospitality that has been a perfect combination for heavily burdened and weary legislators. Her ready smile and warmth, her cheerful attitude, patience and willingness to take telephone messages has contributed immensely to our needs and comfort. We honor Kathleen Ramsey for her excellent services and extend our best wishes to her. (Spsonored by Representative Wright and Haering)

Agreed.

Representative Haering moved the adoption of the following Legislative Citation No. 83:

The House of Representatives hereby commends Charmaine Downs for her services in communications. She is someone very special to use because of her exceptional courtesies and hospitality that has been a perfect combination for heavily burdened and weary legislators. Her ready smile and warmth, her cheerful attitude, patience and willingness to take telephone messages has contributed immensely to our needs and comfort. We honor Charmaine Dows for her excellent service and extend our best wishes to her. (Sponsored by Representatives Wright and Haering)

Agreed.

Representative Petty moved that the rules be suspended to action on a Resolution. Agreed.

Representative Petty moved the adoption of the following **HR 138:**

HR 138, A RESOLUTION to adjourn in honor of the Covington Holmes High School basketball team.

WHEREAS, Covington Holmes High School, under the able direction of coach Fred Moeves, has won the ninth regional boys basketball championship; and

WHEREAS, coach Moeves has devoted untold hours to instilling within his players the principles of hard work, fair play and good sportsmanship; and

WHEREAS, the triumph of Covington Holmes High School reaffirms these principles and is and shall be a source of community pride;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day it does so in honor of the Covington Holmes High School basketball team and coach Fred Moeves.

Section 2. That the Clerk be directed to transmit an appropriate copy of this resolution to the principal of Covington Holmes High School.

Agreed.

Senate Message

Announcing passage of **HB 216** with Amendment, **HB 356** with Amendment, **HB 718** with Amendment, **HB 264** with Amendment, **HB 497** with Amendment, **HB 546** with Amendment, **HR 67** with Amendment, and **SR 69.**

SB 299, SB 328 returned with letter requesting that the House recede from its Amendments.

SB 143 returned with letter requesting that the House recede in Amendment No. 4.

SB 114 returned with letter requesting that the House recede from Amendments No. 2 and No. 6.

Orders of the Day (continued)

HB 1, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Mann moved that the House concur in the Senate Amendment to **HB 1.**

Agreed.

(Senate Amendment inserted at further action later in day.)

Representative Weinberg moved that **HB 1,** as amended, be laid on the Clerk's desk. Rejected.

Representative B. Richardson moved that **HB 1,** as amended, be passed.

Representative Lindsay moved that the vote on concurrence in the Senate Amendment to **HB 1** be reconsidered.

On the roll call the vote was yeas 46-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Carpenter, Clarke, DeFalaise, Dietz, Donnermeyer, Fitzgerald, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Jones, Kleier, LeMaster, Lindsay, List, Mann, Maynard, Nett, Noe, Petty, Priddy, Richards, Riner, Schmidt, F. Smith, Stewart, Thomas, Trevey, Turner, Weinberg, Wilborn, Worthington. Nays 35-W. Allen, Blandford, Brinkley, Burch, Burnett, Clapp, Craddock, Crupper, Davenport, Dawahare, Deskins, Dunn, Gay, Gray, Imes, Johnson, Kenton, Layman, Little, May, McBee, McKinney, McNutt, Morris, O'Brien, Pearman, Plummer, Rattliff, B. Richardson, Robinson, Siemens, R. Smith, Van Horn, Wright, Yates.

The motion that the vote on concurrence in the Senate Amendment No. HB 1 be reconsidered was adopted.

Representative Lindsay moved that the House refuse to concur in the Senate Amendment to **HB 1.** Agreed.

HB 137, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Beshear moved that the House refuse to concur in the following Senate Amendment to **HB 137:**

Amend printed copy of **HB 137** on page 5, line 23, by deleting "*re-election*" and insert thereof "*election*"

and on page 2, line 1, after "report." add the following:

"*The receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 shall be separately accounted for and reported to the registry in the manner required by Section 2 of this Act. Such separate report may be made a separate section within the report required, by this subsection, to be submitted within thirty (30) days after each general election.*"

and on page 5, insert after line 23, the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 121 IS CREATED TO READ AS FOLLOWS:

(1) A political party to which funds are remitted under KRS 141.071 to 141.073 shall use such funds only in support of the party's candidates in the general election.

(2) Each political party to which funds are remitted under KRS 141.071 to 141.072 shall deposit such funds in a bank account separate from any account in which other funds of the political party are maintained. All expenditures from such remitted funds shall be by check. A copy of each cancelled check written on the account of funds remitted under KRS 141.071 to 141.073 shall be retained by the political party for a period of not less than four (4) years.

(3) The designated official of each political party to which funds are remitted under KRS 141.071 to 141.073 shall maintain a current record of the receipts, balance and expenditures of the funds so remitted. In addition, the official shall, within thirty (30) days after each general election, forward to the registry of election finance a report of.

(a) the unexpected and unobligated balance of such remitted funds; and

(b) an itemized listing of each expenditure authorized, incurred or made from such remitted funds, indicating the amount, date and purpose of each expenditure, regardless of the amount, and the name, address and occupation of each person to whom an expenditure of fifty dollars ($50) or more was made, since the date of the last report.

(4) The reports required by subsection (3) of this section shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.

(5) The registry of election finance shall annually audit the accounts and records of receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 and shall report the results of each audit to the general assembly. In the course of such audits, the registry may ascertain the amount of such remitted funds on deposits in the separate bank account, required by subsection (2) of this section, of the political party audited and may audit the account on the books of the bank. No bank shall be liable for making available to the registry any of the information required under this section."

Agreed.

HB 150 taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 150:**

Amend printed copy of **HB 150** on page 2, line 15, after the word "*annex,*" insert "*in the east basement portion adjacet to the parking garage,*" and on page 2, line 15, delete the word "*fifteen*" and in lieu thereof insert the word "*ten*"

and on page 2, line 16, delete the figure "*15,000*" and insert in lieu thereof the figure "*10,000*"

Agreed.

Representative B. Richardson moved that **HB 150,** as amended, be passed.

On the roll call the vote was yeas 71-Adams, J. Allen, Bendl, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Dawahare, DeFalaise, Deskins, Dietz, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Head, Hines, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, McBee, McKinney, McNutt, Morris, Nett, Noe, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 8-W. Allen, Davenport, Guenthner, Holbrook, Overstreet, Patrick, Pearman, Schmidt.

HB 150, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 150,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 165, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Nett moved that the House concur in the following Senate Amendment to **HB 165:**

Amend printed copy of **HB 165** on page 1, line 6, by inserting after the word "*education*" and before the comma "*that have jurisdiction over annual budgets exceeding $50,000,000*"

and on page 1, line 8, by removing the bracket

and on page 1, line 9, by removing the bracket and by inserting between the word "education" and the comma "*that have jurisdiction over annual budgets of $50,000,000 or less*"

Agreed.

Representative Nett moved that **HB 165,** as amended, be passed.

On the roll call the vote was yeas 65-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Craddock, Davenport, Dawahare, Deskins, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Head, Hines, Holbrook, Imes, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Little, Maynard, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 9-W. Allen, Blythe, Brown, Hancock, Layman, Lindsay, List, P. Richardson, Schmidt.

HB 165, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 165,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 166, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Nett moved that the House concur in the following Senate Amendment to **HB 166:**

Amend printed copy of **HB 166** on page 1, line 12, following "ment" by adding the following: "*and indicating whether or not the condition is temporary, applying to the instant election only, or is expected to be a continuing one. If the condition is indicated as being continuing*" and on page 1, line 12, by deleting "*If the physician indicates in the statement that*"

and on page 1, line 13, by deleting "*the disability is a permanent condition*"

and on page 1, line 16, by deleting "*permanent*"

and on page 1, line 17, by deleting "*disability*"

and on page 1, line 18, by deleting "*disability*" and inserting in lieu thereof "*all such*" and by deleting the words "*of permanently disabled voters*"

Agreed.

Representative B. Richardson moved that **HB 166,** as amended, be passed.

On the roll call the vote was yeas 75-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Crupper, Davenport, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Mann, May, Maynard, McNutt, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 5-J. Allen, Clarke, Deskins, Little, Trevey.

HB 166, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 166,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 33, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Fitzgerald moved that the House concur in the following Senate Amendment to **HB 33:**

Amend printed copy of **HB 33** on page 15, line 24, by inserting after the word "supplies" the words " *except perishable meat, fish and vegetables,*" and by placing brackets around the word "or"

and on page 16, lines 9 through 26, by deleting them in their entirety

and on page 17, line 1, by deleting it in its entirety

and on page 17, line 2, by changing "14" to "13"

and on page 17, line 4, by changing "15" to "14" and by placing the "and" before the "8" and by striking "13"

Agreed.

Representative B. Richardson moved that **HB 33,** as amended, be passed.

On the roll call the vote was yeas 67-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hines, Holbrook, Isler, Johnson, Jones, Kenton, Kleier, LeMaster, Lindsay, Little, Mann, May, Maynard, McKinney, Morris, Nett, Noe, O'Brien, Petty, Priddy, Rattliff, Richards, B. Richardson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Williams, Worthington, Wright, Yates. Nays 0. Nays 10-Beshear, Clarke, Crupper, Hancock, List, McNutt, Pearman, P. Richardson, Riner, Wilborn.

HB 33, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 33,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 168, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Nett moved that the House concur in the following Senate Amendment to **HB 168:**

Amend printed copy of **HB 168** on page 2, line 16, by inserting after the word "purpose" the following: "shall not be extended for any textbooks which present a particular religious philosophy and"

Agreed.

Representative B. Richardson moved that **HB 168,** as amended, be passed.

On the roll call the vote was yeas 75-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Bruce, Burch, Burnette, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, O'Brien, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 4-Brown, Carpenter, Guy, Little.

HB 168, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 168,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 187, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 187:**

Amend printed copy of **HB 187** on page 1, line 17, by deleting "*measured radially from the voting machine*"

and on page 1, line 18, by deleting brackets from the words "of the polls"

and on page 1, lines 18-21, by deleting underlined sentence beginning with "*In such case*" and ending with "*building*"

Agreed.

Representative B. Richardson moved that **HB 187,** as amended, be passed.

On the roll call the vote was yeas 53-Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Brinkley, Brown, Burch, Carpenter, Clarke, Craddock, Cyrus, Davenport, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Gray, Haering, Hancock, Hines, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Mann, McBee, Nett, Noe, Petty, Priddy, Rattliff, B. Richardson, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, Wilborn, Wright, Yates. Nays 32-Adams, J. Allen, Blandford, Boswell, Bruce, Burnette, Crupper, Dawahawre, Deskins, Gay, Guy, Head, Holbrook, Layman, Little, Marcum, May, Maynard, McKinney, McNutt, Morris, O'Brien, Overstreet, Pearman, Richards, P. Richardson, Riner, Schmidt, R. Smith, Trevey, White, Worthington.

HB 187, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 187,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 188, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Adams moved that the House concur in the following Senate Amendment to **HB 188**:

Amend printed copy of **HB 188** on page 11, after line 3, by inserting the following:

"Section 6. KRS 215.455 is amended to read as follows:

Nothing in KRS 216.405 to 216.485 or the rules and regulations adopted under the provisions of KRS 216.405 to 216.485 shall be construed to authorize the licensure, supervision, regulation or control in any manner of:

(1) Private offices and clinics of physicians, dentists and other practitioners of the healing arts.

(2) Dispensaries and first-aid stations located within business or industrial establishments maintained solely for the use of employes, provided that such facility does not contain inpatient or resident beds for patients or employes who generally remain in the facility for more than twenty-four hours.

(3) Establishments, such as motels, hotels and boarding houses which provide domiciliary and auxiliary commercial services, but do not provide medical, nursing personnel and health related services, including, but not limited to, boarding houses which are operated by persons contracting with the United States veterans administration hospitals for boarding services.

(4) The remedial care or treatment of residents or patients in any home or institution conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination.

(5) On-duty police and fire department personnel in counties containing cities of the first class assisting in emergency situations by providing first-aid or transportation when regular emergency units licensed to provide first-aid or transportation are unable to arrive at the scene of an emergency situation within a reasonable time.

SECTION 7. A NEW SECTION OF KRS CHAPTER 39 IS CREATED TO READ AS FOLLOWS:

(1) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or ay political subdivision thereof, shall be liable for personal injury or property damage sustained by an person appointed or acting as a volunteer civil defense worker, or member of any agency engaged in civil defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the workmen's compensation law or KRS 39.417 and 39.418 hereof or any pension law or any act of congress.

(2) Neither the state nor any political subdivision of the state nor, except in cases of wilful misconduct, gross negligence, or bad faith, the employes, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary civil defense worker or member of any agency engaged in ay civil defense activity, complying with or reasonably attempting to comply with KRS 39.400 to 39.432 and 39.990, or any order, rule, or regulation promulgated pursuant to the provisions of KRS 39.400 to 39.432 and 39.990, or other precautionary measures enacted by any city of the state, shall be liable for the death or injury to persons, or for damage to property, as a result of any such activity."

and on page 1, by deleting lines 1 through 21

and on page 2, by deleting lines 1 through 8; and by renumbering all subsequent sections accordingly

and on page 4, line 12, after the word "programs" by inserting the word "*by*" and placing a " [" before the word "for"

and on page 4, line 13, by placing a "]" after the word "the"

and on page 4, line 14, after the word "state" by inserting the words "*for disaster and emergency response*"

and on page 8, line 14, following the word "emergency" by inserting the word "*services*" and by placing before the word "response" an " [" and after the word "response" a "]" and on age 8, line 25, by deleting "*or areawide*"

and on page 9, line 14, by deleting "of the first class"

and on page 9, line 16, after the word "emergency" by inserting the words "*preparedness, response and recovery consistent with a plan adopted in accordance with the provisions of this Act*"

and on page 9, line 16, by placing a " [" before the word "plan" and after the word "program" by adding a "]"

and on page 9, line 24, by deleting the words "*of the first class*"

and on page 10, line 8, by deleting the words "*of the first class*"

and on page 10, line 10, after the word "in" by inserting the words "*and adopt*"

and on page 2, line 4, by deleting the word "civil" and by inserting in lieu thereof the words "disaster and emergency services or disaster and emergency response"

and on page 2, line 5, by deleting the word "defense"

and on page 2, line 5, by deleting the words "civil defense" and inserting in lieu thereof the words "disaster and emergency services or disaster and emergency response"

and on page 2, line 13, by deleting the words "civil de-" and inserting in lieu thereof the words "disaster and emergency services or disaster and emergency response"

and on page 2, line 14, by deleting "fense"

and on page 2, line 14, by deleting the words "civil" defense" and inserting in lieu thereof the words "disaster and emergency services or disaster and emergency response"

and on page 2, line 16, by deleting the number "39.432" and inserting in lieu thereof the number "39.460"

and on page 2, line 17, by deleting the number "39.432" and inserting in lieu thereof the number "39.460".

Agreed.

Representative B. Richardson moved that **HB 188,** as amended, be passed.

On the roll call the vote was yeas 73-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 7-J. Allen, Davenport, Layman, McNutt, Pearman, Tobin, Van Horn.

HB 188, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 188,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 200, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 200:**

Amend printed copy of **HB 200** on page 1, by deleting everything after the enacting clause, and inserting in lieu thereof:

"Section 1. KRS 189.336 is amended to read as follows:

(1) Fiscal courts, with respect to school zones situated in unincorporated areas, may authorize by resolution installation at county expense of school flasher lights and other traffic control devices on highways in school zones as they deem reasonable and necessary.

(2) Cities, with respect to school zones within their incorporated areas, may authorize by ordinance installation at city expense of school flasher lights and other traffic control devices on highways in school zones as they deem reasonable and necessary.

(3) The speed limit on all highways where school flasher lights are in operation shall be *determined by the governmental unit having control of the highway where a school flasher light is in operation* [twenty-five (25) miles per hour]. Flasher lights shall be placed one-eighth (1/8) of a mile on each side of the principal school building where practical. The governmental unit *having control of the highway* where the lights are in operation shall erect signs notifying motorists of the speed limit.

(4) "Highways" as used in this section shall mean any public road or street maintained by a city, county or the state.

(5) Any traffic control devices erected by any governmental unit shall conform to standards and specifications authorized by KRS 189.337.

Agreed.

Representative B. Richardson moved that **HB 200,** as amended, be passed.

On the roll call the vote was yeas 79-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Guy, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 1-Van Horn.

HB 200, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 200,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 217, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 217:**

Amend printed copy of **HB 217** on page 4, line 1, by deleting the word "and" and inserting in lieu thereof the word "or"

and on page 7, after line 10, by creating a new subsection to read as follows:

"(25) The above stated rights shall apply in all cases unless medically contraindicated and documented by a physician in writing in the resident's medical record."

and on page 5, line 3, after the word "committee" by inserting the following words, "or his executor"

Agreed.

Representative B. Richardson moved that **HB 217,** as amended, be passed.

On the roll call the vote was yeas 81-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, May, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 217, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 217,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 219, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 219:**

Amend printed copy of **HB 219** on page 1, line 17, beginning with the word "and" through line 19 ending with the word "contrary" by deleting these words in their entirety;

and on page 2, by inserting after line 2 the following language:

"Section 3. KRS 338.991 is amended to read as follows:

(1) Any employer who willfully or repeatedly violates the requirement of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, may be assessed a civil penalty of up to $10,000 for each violation.

(2) Any employer who has received a citation for a serious violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, shall be assessed a civil penalty of up to $1,000 for each violation.

(3) Any employer who has received a citation for a violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to $1,000 for each violation.

(4) Any employer who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of up to $1,000 for each day during which such failure or violation continues.

(5) Any employer found to be in violation of subsection (3) of KRS 338.121 shall be assessed a civil penalty of up to $10,000 for each violation.

(6) The review commission shall have the authority to modify all civil penalties and fines provided for in this chapter. The review commission may, at its discretion, suspend the time period allotted for correction of a violation during the review of an appeal from the violation in question.

(7) All civil penalties and fines collected under the provision of this chapter shall be paid into the general fund.

(8) Any employer or individual who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six (6) months, or by both.

(9) Any person who gives advance notice of any investigation or inspection to be conducted under this chapter, without authority from the commissioner, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six (6) months, or by both.

(10) [Any employer or individual who refuses entry to any authorized representative of the commissioner while attempting to conduct an investigation or inspection under the provisions of this chapter, or in any way willfully obstructs him from carrying out his investigation or inspection, shall, upon conviction, be punished by a fine of not more than $1,000, or by imprisonment for not more than six (6) months, or by both.

(11)] Any employer or individual who willfully causes bodily harm to any authorized representative of the commissioner while attempting to conduct an investigation or inspection under the provisions of this chapter, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one (1) year, or by both.

(11) [(12)] As used in this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

[(13) Any employer who willfully violates any standard, rule, order or regulation adopted pursuant to this chapter, and that violation causes the death of any employee, shall be assessed a civil penalty of not more than $10,000 and further shall have the appropriate criminal charges placed against him; except that if the conviction is for a violation committed after a first conviction of such person, there shall be assessed a civil penalty of not more than $20,000 and the appropriate criminal charges will be placed against him.]

Section 4. KRS 15.615 is repealed."

and on page 1, the Title line, by deleting the following: "AN ACT relating to inspection of long term care facilities." and inserting in lieu thereof "AN ACT relating to inspections."

and on page 2, by inserting after line 2 the following language:

"Section 3. KRS 336.620 is amended to read as follows:

The commissioner of labor shall make, alter, amend, and repeal rules and regulations exclusively for the safety and inspection of passenger elevators, and in no way relating to the construction of such elevators. The commissioner shall have the authority to prescribe, by regulation, the fee to be charged for each inspection. *All fees established and regulated by this section shall be payable to the Department of Labor except as may be provided in a specific written agreement between the commissioner and any agency authorized to inspect elevators by the provisions of this chapter.*

Section 4. KRS 336.680 is amended to read as follows:

(1) If the department or a general inspector of elevators finds that a passenger elevator or a part thereof does not afford reasonable safety, the department or the general inspector may post a notice upon such elevator prohibiting further use of the elevator until the changes or alterations set forth in the notice have been made to the satisfaction of the department or the inspector. Said notice shall contain a statement that operators or passengers are subject to injury by its continued use, a description of the alteration or other change necessary to be made in order to secure safety of operation, date of such notice, name and signature of the department or inspector issuing the notice.

(2) If any inspector of elevators finds a passenger elevator to be so unsafe as can be reasonable expected to offer imminent danger of death or physical injury, that unit shall be sealed out of service, a hazard notice posted thereon, and the department shall be notified immediately as to the location and condition of the unit.

(3) Any passenger elevator, once sealed, shall not be operated except for the purpose of effecting repairs and in such a manner as prescribed by the department, until all defects are corrected and the unit has been inspected and certified as safe by the department.

(4) Sealing shall consist of rendering a passenger elevator unit inoperable by disconnecting power and/or by placing a sealing device on the operation switch and ordering such additional measures to be effected by the owner, such as erection of barricades, as may be required to prevent use of or public assess to the unit.

(5) No seal, notice or barricade placed on or around an elevator in accordance with the provisions of this chapter shall be removed, obstructed or in any way altered without the written consent of the department.

Section 5. KRS 336.570, Insurance company may inspect and KRS 336.580, Inspection by General Inspector are repealed."

Representative Hancock moved that **HB 219** be laid on the Clerk's desk.

On the roll call the vote was yeas 11-Blythe, Burch, Burnette, Crupper, Hancock, Kleier, Lindsay, Overstreet, Pearman, Richards, Romines. Nays 60-Adams, J. Allen, Bendl, Bennett, Benson, Blandford, Boatwright, Boswell, Brinley, Brown, Carpenter, Clarke, Craddock, Cyrus, Davenport, DeFalaise, Deskins, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, List, Little, Mann, Marcum, May, McBee, McNutt, Nett, O'Brien, Petty, B. Richardson, Riner, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates.

The motion that **HB 219** be laid on the Clerk's desk was rejected.

Representative B. Richardson moved that the House concur in the Senate Amendment to **HB 219.** Agreed.

Represntative B. Richardson moved that **HB 219,** as amended, be passed.

On the roll call the vote was yeas 60-Adams, J. Allen, Bendl, Bennett, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burch, Carpenter, Craddock, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Guenthner, Guy, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, Petty, Priddy, Richards, B. Richardson, Riner, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Tobin, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 22-Arnold, Beshear, Brown, Burnette, Clarke, Crupper, Cyrus, Deskins, Foster, Gray, Hancock, Head, Kleier, Lindsay, List, O'Brien, Overstreet, Pearman, P. Richardson, Stone, Thomas, Trevey.

HB 219, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 219,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 256, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Imes moved that the House concur in the following Senate Amendment to **HB 256:**

Amend printed copy of **HB 256** on page 1, by adding at the end of line 6, the following: "Enactment of a bill by the general assembly shall be conclusive presumption that such bill conforms to this Act."

Agreed.

Representative B. Richardson moved that **HB 256,** as amended, be passed.

On the roll call the vote was yeas 67-Adams, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Carpenter, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Donnermeyer, Dunn, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Kenton, Kidd, Kleier, Layman, LeMaster, Mann, Marcum, May, Maynard, McBee, Morris, Noe, O'Brien, Overstreet, Petty, Priddy, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, White, Worthington, Wright, Yates. Nays 19-Beshear, Brown, Burnette, Clarke, Crupper, Fitzgerald, Foster, Gay, Johnson, Jones, Lindsay, List, Little, McNutt, Nett, Pearman, P. Richardson, Weinberg, Wilborn.

HB 256, as amended, was passed and the title agreed to.

Representative Imes moved that the vote by which **HB 256,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 269, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 269:**

Amend printed copy of **HB 269** on page 1, line 4, by deleting the word "county" and inserting in lieu thereof "appropriate"

Agreed.

Representative B. Richardson moved that **HB 269,** as amended, be passed.

On the roll call the vote was yeas 87-Adams, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 269, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 269,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 332, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 332:**

Amend printed copy of **HB 332** on page 3, line 13, by deleting "simultaneous" and inserting in lieu thereof "as well as"

and on page 3, line 17, by deleting "ten (10)" and inserting in lieu thereof "thirty (30)"

and on page 7, line 4, by deleting "This Act" and inserting in lieu thereof "Sections 1, 2, and 3"

and beginning on page 7, line 6, by deleting Sections 5, 6, 7, and 8 in their entirety and inserting after the end of Section 4, a section which begins "Section 5. KRS 189.993 is amended to read as follows:

(1) Any person who violates KRS 189.045 shall be fined not less than $100 nor more than $1,000.

(2) Any person convicted of violating any of the provisions of KRS 189.095 shall be fined $50.00 and costs of prosecution.

(3) Any person who violates any provision of KRS 189.205 shall be fined not less than $10.00 nor more than $100.

(4) Any person, firm or corporation violating the provisions of KRS 189.275 shall be fined not less than $20.00 nor more than $100.

(5) Any person who violates any provision of KRS 189.375 shall be fined not less than $10.00 nor more than $100.

(6)(a) Any person who is not a handicapped person as prescribed in KRS 189.455 and who wilfully and falsely represents himself as having the qualifications to obtain such vehicle registration plates in an attempt to procure the special plates prescribed by KRS 189.455 shall be fined $50.00, and in default of payment, shall be imprisoned for not more than ten (10) days.

(b) Any person owning a vehicle bearing such vehicle registration plates, and not entitled to do so under the provisions of KRS 189.455, shall be fined $50.00, and in default of payment, shall be imprisoned for not more than ten (10) days.

(7) Any person who violates KRS 189.505 shall be fined not less than $50.00 nor more than $200 or be imprisoned for not more than thirty (30) days, or both.

[(8) Any person who violates any of the provisions of subsection (1) of KRS 189.645 or subsection (4) of 189.730 shall be fined not less than $1.00 nor more than $100.

(9) Any person who violates any of the provisions of subsection (1) of KRS 189.651 shall be fined not less than $500 nor more than $5,000 or shall be confined in the penitentiary for not less than one (1) nor more than ten (10) years.

(10) Any person operating an official inspection station who violates any of the provisions of subsection (4) of KRS 189.651 shall have his permit revoked.

(11) Any person who violates any of the provisions of subsection (1) of KRS 189.655 or subsection (3) of KRS 189.651 shall be confined in the pentitentiary for not less than one (1) nor more than five (5) years.

(12) Any person who violates any of the provisions of subsection (3) of KRS 189.655 or subsection (2) of KRS 189.651 or subsection (3) of KRS 189.730 shall be fined not less than $100 nor more than $500.]

(13) Any person found violating any provision of KRS 189.820 or 189.830 is guilty of a misdemeanor and shall be fined not less than $10.00 nor more than $25.00.

(14) Any person who violates KRS 189.920 shall be fined not less than $100 nor more than $1,000, or imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(15) Any person who violates KRS 189.930 shall be fined not less than $50.00 nor more than $500, or be imprisoned in the county jail for not more than thirty (30) days, or both.

(16) Any person who violates KRS 189.940 shall be fined not less than $50.00 nor more than $1,000 or be imprisoned in the county jail for not more than six (6) months, or both. In the case of private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(17) If a member of a regular or voluntary fire department or rescue squad violates any provisions of subsection (5) of KRS 189.940, he shall, in addition to any other penalty provided under KRS 189.990 or 189.993, be immediately dismissed from his membership or employment with the fire department or rescue squad and shall be disqualified from being employed by or being a member of any fire department or rescue squad in the commonwealth for a period of three (3) years. Upon conviction of a second offense he shall be permanently barred from employment or membership in any fire department, rescue squad, police department, or sheriff's office in the commonwealth, nor shall he be permitted to operate any public safety vehicle as defined in KRS 189.910.

(18) Any person who violates KRS 189.950 shall be fined not less than $100 nor more than $1,000 or be imprisoned in the county jail for not more than thirty (30) days, or both. In the case of privately owned vehicle, all lighting and other equipment used or installed in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(19) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be fined not less than $10.00 nor more than $100 for each offense.

and insert after the end of Section 5, a section which begins, "Section 6. KRS 189.641, Definitions; 189.643, Unsafe motor vehicle not to be operated; 189.645, Annual inspection — Time for repairs — Registration suspended when — Foreign inspections, acceptance; 189.647, Certificate of inspection, when issued — fee — Display; 189.651, Counterfeiting certificates — Possession unlawful — permit not transferable — Display; 189.653, Official inspection state permits, application — Annual fee — Inspection of stations — Fees in revolving fund; 189.655, False advertising as official inspection station, who may issue certificates; 189.657, Extension of time for inspections — Rules and regulations; 189.659, Permits for commercial vehicle operators; 189.660, Right of action unabridged; 189.730, Vehicles required to be inspected or repaired when — Operation prohibited when — Duty of owner, are repealed."

and on page 1, insert after the word "insurance" in the Title of the bill, "and motor vehicles"

and on page 10, after line 11, insert the following: "Section . KRS 342.650 is amended to read as follows:

The following employes are exempt from the coverage of this chapter:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employes each regularly employed 40 or more hours a week in such employment.

(2) Any person employed, for not exceeding 20 consecutive work days, to do maintenance, repair, remodelling, or similar work in or about the private home of the employer, or if the employer has no other employes subject to this chapter, in or about the premises where such employer carries on his trade, business or profession.

(3) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(4) Any person for whom a rule of liability for injury or death is provided by the laws of the United States, except those persons covered under Title IV, Public Law 91-173, 91st Congress, commonly referred to as the Black Lung Benefits of the Federal Coal Mine Health and Safety Act of 1969, or as amended.

(5) Any person employed in agriculture.

(6) Any person who would otherwise be covered but who elects not to be covered in accordance with the rules and regulations promulgated by the board.

(7) Any person participating as a driver or passenger in a voluntary vanpool or carpool program while that person is on the way to or from his place of employment. For the purposes of this subsection carpool or vanpool means any method by which two or more employes are transported from their residence to their places of employment."

On the roll call the vote was yeas 42-Adams, J. Allen, W. Allen, Arnold, Boatwright, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Davenport, Dunn, Foster, Guenthner, Guy, Haering, Hancock, Head, Holloway, Imes, Jones, Kenton, Kleier, Layman, List, Marcum, Morris, O'Brien, Patrick, Plummer, Rattliff, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, Stewart, Stone, Tobin, Trevey, Wright. Nays 41-Bendl, Bennett, Beshear, Blandford, Boswell, Brown, Clarke, Crupper, Cyrus, DeMarcus, Deskins, Deitz, Donnermeyer, Gay, Gray, Hines, Holbrook, Isler, Johnson, Kidd, LeMaster, Lindsay, Little, Maynard, McKinney, McNutt, Nett, Noe, Pearman, Priddy, Richards, Riner, Romines, F. Smith, R. Smith, Thomas, Van Horn, Weinberg, Wilborn, Worthington, Yates.

The motion that the House concur in the Senate Amendment to **HB 332** was adopted.

Representative B. Richardson moved that **HB 332,** as amended, be passed.

On the roll call the vote was yeas 48-Adams, w. Allen, Arnold, Blythe, Boatwright, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Davenport, DeMarcus, Dunn, Foster, Gay, Guenthner, Guy, Haering, Hancock, Holbrook,Holloway, Imes, Jones, Layman, List, Marcum, May, Maynard, Morris, O'Brien, Patrick, Pearman, Petty, Plummer, Rattliff, B. Richardson, P. Richardson, Sale, R. Smith, Stewart, Stone, Tobin, Trevey, Wells, Worthington, Wright. Nays 40-Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brown, Clarke, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Gray, Head, Hines, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Lindsay, Little, McBee, McKinney, McNutt, Nett, Priddy, Richards, Riner, Romines, Schmidt, Siemens, F. Smith, Thomas, Van Horn, Weinberg, Wilborn, Yates.

HB 332, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 332,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 384, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 384:**

Amend printed copy of **HB 384** on page 1, line 1, by inserting after "Section 1." the following language: "KRS 151.140 is amended to read as follows:

No person, business, industry, city, county, water district, or other political subdivision shall have the right to withdraw, divert, or transfer public water from a stream, lake, ground water source or other body of water, unless such person, business, industry, city, county, water district or other political subdivision has been granted a permit by the department for such withdrawal, diversion, or transfer of water. Provided, however, no permit shall be required for and nothing herein shall interfere with the use of water for agricultural and domestic purposes including irrigation; and no permit shall be required if the amount of water withdrawn, diverted or transferred is less than the amount established by regulation and no permit shall be required for water used in the production of steam generating plants *of companies whose retail rates are regulated by the Kentucky Public Service Commission or for which plants a certificate of environmental compatability from such commission is required by law,* or water injected underground in conjunction with operations for the production of oil or gas.

Section 2."

Agreed.

Representative B. Richardson moved that **HB 384,** as amended, be passed.

On the roll call the vote was yeas 54-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Burch, Clapp, Clarke, Craddock, DeMarcus, Dietz, Donnermeyer, Dunn, Guenthner, Guy, Hines, Holloway, Imes, Isler, Jones, Kenton, Kidd, LeMaster, List, Little, Mann, Marcum, Maynard, McBee, Morris, Nett, Noe, O'Brien, Petty, Plummer, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Weinberg, Wilborn, Williams, Worthington, Yates. Nays 29-W. Allen, Brown, Burnette, Carpenter, Crupper, Cyrus, Davenport, Foster, Gay, Gray, Haering, Hancock, Head, Holbrook, Layman, Lindsay, May, McKinney, McNutt, Patrick, Pearman, Rattliff, Riner, Stone, Thomas, Tobin, Trevey, Van Horn, Wright.

HB 384, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 384,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 392, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Benson moved that the House concur in the following Senate Amendment to **HB 392:**

Amend printed copy of **HB 392** on page 2, lines 19 through 22, by deleting the underlined material.

Agreed.

Representative Benson moved that **HB 392,** as amended, be passed.

On the roll call the vote was yeas 83-J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright, Yates. Nays 2-Fitzgerald, Pearman.

HB 392, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 392,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 405, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 405:**

Amend printed copy of **HB 405** on page 10, lines 16 and 17, by deleting "*one hundred dollars ($100)*" and substituting in lieu thereof "*sixty-five dollars ($65)*"

and on page 15, line 13, by deleting the bracket before the semi-colon

and on page 15, line 14, by deleting the bracket after the word narcotics

and on page 21, line 20, by deleting the word "*may*" and by inserting in lieu thereof the word "*shall*"

and on page 21, line 22, by deleting the words "*with or*"

and on page 22, line 1, by deleting the word "*may*" and by inserting in lieu thereof the word "*shall*"

Agreed.

Representative B. Richardson moved that **HB 405,** as amended, be passed.

On the roll call the vote was yeas 59-Adams, J. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Burch, Carpenter, Clapp, Clarke, Craddock, Davenport, Dawahare, DeFalaise, Dietz, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Imes, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, Little, Mann, Marcum, May, Maynard, McBee, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Thomas, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 21-W. Allen, Beshear, Boatwright, Brinkley, Burnette, Cyrus, Guenthner, Haering, Holbrook, Holloway, Layman, List, McKinney, McNutt, Pearman, Plummer, Riner, Stone, Tobin, Trevey, Van Horn.

HB 405, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 405,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 448, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 448:**

Amend printed copy of **HB 448** on page 1, after line 20, by inserting the following:

"Section 2. KRS 7.100 is amended to read as follows:

It shall be the duty of the legislative research commission to:

(1) Maintain in the state Capitol *or state Capitol Annex* for the use and information of the general assembly, a legislative reference room and working library, collect, summarize and index information of a legislative and governmental nature relating to legislation and legislative policies and index all bills introduced in the general assembly. Permanent office space for the legislative research commission and for the director thereof and employes or subcommittees shall be provided on the third floor of the state Capitol. When the general assembly is not in session, the commission shall have jurisdiction over the use of the house and senate chambers and over the allocation of all rooms used by the general assembly while in session. The commission may provide for such other office space as it may deem necessary.

(2) Make or cause to be made such investigations into statute law, legislation, governmental agencies and institutions and matters of public policy as will aid the general assembly in performing its duties in the most efficient and economical manner. In making such studies and investigations between the regular sessions of the general assembly, the commission shall give priority to those subjects requested by the general assembly.

(3) Afford to any member of the general assembly or any committee of either house of the general assembly such information and assistance as may be practicable in the preparation of bills, memorials, resolutions, amendments, alterations and changes thereto and revisions and substitutes thereof, proposed to be introduced into the general assembly.

(4) The commission, at the close of each legislative session, shall assume custody of all furniture, equipment, records, materials and supplies, and printed copies of bills in the possession of the clerks of the senate and house. Immediately prior to the convening of the next session, the commission shall transfer all furniture, equipment, materials and supplies to the clerks of the respective houses. The commission may, when the general assembly is not in session, authorize the expenditure of funds appropriated to the general assembly for the purchase, repair or maintenance of furniture, equipment, materials and supplies and contract for services needed by the general assembly.

(5) The commission shall prepare and publish or contract for the preparation and publishing of a daily index and digest of the content of and legislative action on all measures introduced in the general assembly.

(6) After each election the commission shall conduct a pre-session orientation conference for members of the general assembly.

Agreed.

Representative B. Richardson moved that **HB 448,** as amended, be passed.

On the roll call the vote was yeas 82-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, Dietz, Donnermeyer, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, , LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 448, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 448,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 514, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Priddy moved that the House concur in the following Senate Amendment to **HB 514:**

Amend printed copy of **HB 514** on page 1, by striking all provisions of pages 1 and 2 constituting the preamble and prior to the enacting clause.

Agreed.

Representative B. Richardson moved that **HB 514,** as amended, be passed.

On the roll call the vote was yeas 67-J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, Donnermeyer, Foster, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, List, Little, Marcum, May, Maynard, McBee, McKinney, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Rattliff, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Trevey, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 514, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 514,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 515, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 515:**

Amend printed copy of **HB 515** on page 1, line 3, by deleting "(1)"

and on page 1, lines 16-19, delete in their entirety

Agreed.

Representative B. Richardson moved that **HB 515,** as amended, be passed.

On the roll call the vote was yeas 62-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Carpentr, Clapp, Craddock, Crupper, Cyrus, Dawahare, Dietz, Donnermeyer, Foster, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Imes, Kidd, LeMaster, Little, Mann, Marcum, May, Maynard, McBee, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 8-Blythe, Hancock, Jones, Kenton, Lindsay, McKinney, McNutt, Williams.

HB 515, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 515,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 519, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 519:**

Amend printed copy of **HB 519** on page 1, by adding after line 11 the following:

"Section 2. KRS 382.520 is amended to read as follows:

(1) In all cases where a loan is *secured by a real estate mortgage* [made by a bank, trust company, or savings and loan association incorporated and doing business under the laws of this Commonwealth or incorporated and doing business under the laws of the United States of America], the mortgage originally executed and delivered by the borrower to the *lender* [bank, trust company or building association] shall secure payment of all renewals and extensions of the loan and the note evidencing it, whether so provided in the mortgage or not.; [and]

(2) The mortgage *referred to in subsection (1)* may secure any additional indebtedness, whether direct, indirect, existing, future, contingent or otherwise, to the extent expressly authorized by the mortgage, if the mortgage by its terms stipulates the maximum additional indebtedness which may be secured thereby. *The mortgage lien authorized by this subsection shall be superior to any liens or encumbrances of any kind created after recordation of such mortgage, even to the extent of sums advanced by a lender with actual or constructive notice of a subsequently created lien, provided, however, any mortgagee upon request of a mortgagor must release that amount of a lien to secure additional indebtedness as exceeds the balance of such indebtedness at the time of such request.*"

On the roll call the vote was yeas 5-Arnold, Boatwright, Donnermeyer, Marcum, B. Richardson. Nays 70-Adams, W. Allen, Bennett, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Nett, O'Brien, Pearman, Petty, Plummer, Rattliff, Richards, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Wright.

The motion that the House concur in the Senate Amendment to **HB 519** was rejected.

Recess

Representative B. Richardson moved that the House recess until 1:00 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

SB 193 returned with letter requesting that House recede from Amendment No. 3; **SB 102** returned with letter requesting that House recede from Amendment No. 1; **SB 276** returned with letter requesting that House recede from Amendment No. 3; **SB 224** returned with letter requesting that House recede from Amendment.

HB 98, HB 99, HB 393, HB 36, HB 101, HB 102, and **HB 46** returned with letter stating that Senate refused to recede from its Amendments and requesting that Conference Committees be appointed.

Orders of Day (continued)

HB 549, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 549:**

Amend printed copy of **HB 549** on page 1, line 10, by deleting " [" and "]"

and on page 1, lines 11 and 12, by deleting the following: "*and containing contiguous voting precinct boundaries*"

and on page 2, line 7, by deleting " ["

and on page 2, line 8, by deleting "]"

and on page 2, line 9, by deleting the entire line and on page 2, line 10, by deleting " [" and "]"

and on page 3, line 24, by inserting the following after "(4)": "*In counties containing cities of the first class,*"

Representative Romines moved that **HB 549** be laid on the Clerk's desk. Agreed.

HB 578, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 578:**

Amend printed copy of **HB 578** on page 1, line 15, by adding the following:

"Section 2. KRS 158.135 is amended to read as follows:

As used in this section, unless the context otherwise requires:

(1) "Out-of-district children," means those children of school age *located* [resident] in a state-operated institution or state-operated day treatment center [who were placed therein from school districts other than the one in which the institution or day treatment center is located].

(2) "Current costs and expenses," means all expenditures, other than for capital outlay and debt service, which, in the final result, are an actual charge on the tax revenue of the school district for the furnishing of school services to out-of-district children. Among other things, "current costs and expenses" does not include those expenditures for which the school district receives reimbursement from any source, other than from the state under the provisions of this section. *However, in determining such costs and expenses, consideration shall be given to the fact that classroom units are more expensive for exceptional children.*

(3) Any county or independent school district which provides elementary or secondary school services to out-of-district children shall be reimbursed by the department of education, out of funds not required by law to be expended for other purposes or in any other manner, in an amount equal to all current costs and expenses of the district for furnishing such services in excess of any per capita distribution received from the common school fund on behalf of the children. The school services furnished to out-of-district children shall be substantially equal to those furnished to other school children of the district.

(4) The school district shall make to the superintendent of public instruction such reports as he requires concerning school services for out-of-district children, and shall file with the state agency operating the institution or day treatment center in which the children are *located* [resident] a copy of the annual report made to the superintendent of public instruction.

(5) The school district, at the end of each school year, shall make application to the superintendent of public instruction for the reimbursement due on behalf of school services furnished during the year just ended. After approving the application, the superintendent of public instruction shall notify the commissioner of finance and administration who shall cause a warrant, in the appropriate amount, to be drawn in favor of the school district.

(6) Notwithstanding the provisions of any other statute, school districts furnishing services to out-of-district children may operate a year-round program for such children and may be compensated on a year-round basis *provided that priority in alloting funds shall be given to one hundred eighty-five (185) day school programs.*

Agreed.

Representative B. Richardson moved that **HB 578,** as amended, be passed.

On the roll call the vote was yeas 70-J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Dietz, Donnermeyer, Foster, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, Noe, O'Brien, Overstreet, Petty, Priddy, B. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Tobin, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 4-Davenport, Johnson, Pearman, P. Richardson.

HB 578, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 578,** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Imes moved that the rules be suspended to consider a Legislative Citation. Agreed.

Representative Imes moved the adoption of the following Legislative Citation No. 77:

The House of Representatives hereby honors Mr. Lazarus Bethany,

WHEREAS, this General Assembly hath ever been a place of miracles, where lame ideas are made to walk, blind legislators are made to see the light (varily), and dead bills rise; and

WHEREAS, the last above-cited marel—that bills which were dead, yet do they live—hath been present in this General Assembly to a wondrous extent not seen since the mind of man runneth not to the contrary; and

WHEREAS, legislators must strive to be like unto little ones, with trusting, child-like faith; and

WHEREAS, Lazarus of Bethany, brother of Martha and Mary, doth provide a scriptural precedent for the current phenomenon whereby bills which have lain long in the tomb, and must needs stinketh, do come out; and

WHEREAS, the resuscitated spirit of said Lazarus of Bethany can be said to hover over this honorable body, his cloth wrappings trailing behind him;

NOW, THEREFORE, doth this body honor Lazarus of Bethany and make him an honorary member hereof, and cause this citation to be sent to him (General Delivery, Bethany). Let a copy of this citation be sent to all the chief priests and Pharisees (First Floor, Capitol, Frankfort). (Sponsored by Representative Imes)

On the roll call the vote was yeas 60-J. Allen, Arnold, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Gay, Gray, Haering, Hancock, Head, Hines, Holloway, Imes, Johnson, Kleier, Layman, LeMaster, Lindsay, Little, Mann, Marcum, Maynard, McBee, McKinney, Noe, O'Brien, Overstreet, Petty, Priddy, Romines, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Williams, Yates. Nays 16-Adams, Brown, Burnette, Foster, Holbrook, Jones, Kenton, LeMaster, List, McNutt, Rattliff, Richards, B. Richardson, Riner, Sale, Wright.

The Legislative Citation No. 77 was adopted.

Representative Imes moved that the vote by which the Legislative Citation No. 77 was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

HB 603, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 603:**

Amend printed copy of **HB 603** on page 1, by inserting before line 1, the words "Section 1."

and on page 4, by inserting after line 12, the following:

"Section 2. There is hereby appropriated to the board of ethics, established pursuant to KRS 6.690, $30,000 for fiscal year 1978-79, and $30,000 for fiscal year 1979-80. Any unexpended balance remaining at the close of the 1978-79 fiscal year shall not lapse, but shall continue into 1979-80 fiscal year."

and on page 1, by adding after the word "Kentucky" the words "and to the Board of Ethics" in the Title line

and on page 1, line 12, after "1978" by deleting "$210,000" and inserting in lieu thereof "$470,625"

and on page 1, line 14, after "1980" by deleting "$1,697,000" and inserting in lieu thereof "$1,958,525"

and on page 2, after line 2, by adding the following:

"1977-1978 .... $100,312"

and on page 2, line 3 after "1979" by deleting "$1,107,650" and inserting in lieu thereof "$1,438,850"

and on page 2, line 4, after "1980" by deleting "$936,257" and inserting in lieu thereof "$1,198,898"

and on page 2, line 7, after "1979" by deleting "$656,900" and inserting in lieu thereof "$572,465"

and on page 3, line 8, after "1978" by deleting "$210,000" and inserting in lieu thereof "$570,937"

and on page 3, line 9, after "1979" by deleting "$2,475,550" and inserting in lieu thereof "$2,722,314"

and on page 3, line 10, after "1980" by deleting "$3,418,907" and inserting in lieu thereof "$3,942,173"

and on page 3, line 14, after "1979" by deleting "$3,592,070" and inserting in lieu thereof $3,330,436"

and on page 3, line 15, after "1980" by deleting "$3,708,796" and inserting in lieu thereof $3,447,162"

and on page 3, line 21, after "1978" by deleting "$280,000" and inserting in lieu thereof "$640,937"

and on page 3, line 22, after "1979" by deleting "$6,067,620" and inserting in lieu thereof "$6,052,751"

and on page 3, line 23, after "1980" by deleting "$7,127,703" and inserting in lieu thereof "$7,389,335"

Agreed.

Representative B. Richardson moved that **HB 603,** as amended, be passed.

On the roll call the vote was yeas 64-J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Craddock, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guy, Hancock, Head, Hines, Holloway, Imes, Isler, Jones, Kenton, Kidd, Kleier, Layman, Little, Mann, Marcum, Maynard, McBee, O'Brien, Petty, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Yates. Nays 16-Beshear, Boatwright, Burnette, Clarke, Crupper, Holbrook, Johnson, LeMaster, List, McNutt, Nett, Noe, Pearman, Riner, Sale, Trevey.

HB 603, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 603,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 617, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 617:**

Amend printed copy of **HB 617** on page 1, line 9, by deleting the comma after the word "treasury"

and by inserting after the word "annum" the following: "*, subject to the methods of calculation hereinafter set out,*"

Agreed.

Representative B. Richardson moved that **HB 617,** as amended, be passed.

On the roll call the vote was yeas 78-J. Allen, W. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guy, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Little, Mann, Marcum, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, White, Wilborn, Williams, Wright, Yates. Nays 8-Adams, Haering, Lindsay, List, Pearman, Riner, Tobin, Trevey.

HB 617, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 617,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 623, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 623:**

Amend printed copy of **HB 623** on page 1, line 18, by deleting "five (5)" and substituting in lieu thereof "three (3)"

and on page 2, line 10, by deleting "five (5)" and substituting in lieu thereof "three (3)"

and on page 2, line 21, by deleting "five (5)" and substituting in lieu thereof "three (3)"

and on page 3, line 5, by inserting after "(2)," and before the word "above" the following words: "excluding damage to glass, tires and bumpers when replaced by identical manufacturer's original equipment and any damage requiring less than four (4) hours to repair,"

and on page 3, line 8, by inserting after the word "manufacturer" the words ", and/or dealer,"

and on page 3, line 11, by inserting after "dards" and before the period "." the words "; if the dealer makes the certification he shall be indemnified by the manufacturer"

and on page 4, line 11, by deleting "*performance,*"

and on page 5, line 22, by inserting after the word "*parts*" the words "*(minimum compensation for parts shall be dealer cost plus twenty-five percent (25%) gross profit)*"

and on page 6, line 23, by inserting after the word "not" the word "*unfairly*"

Agreed.

Representative B. Richardson moved that **HB 623,** as amended, be passed.

On the roll call the vote was yeas 81-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Mann, Marcum, May, Maynard, McBee, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Van Horn, White, Wilborn, Worthington, Wright, Yates. Nays 2-Pearman, Tobin.

HB 623, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 623,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

HB 358 returned with letter stating that Senate refused to recede from its Amendment and requesting that a Conference Committee be appointed.

Orders of the Day (continued)

HB 634, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 634:**

Amend printed copy of **HB 634** on page 75, line 16, by deleting the following: "*, and superior to the lien*"

and on page 75, by deleting all of line 17

and on page 75, line 18, by deleting the words "*after created*"

and on page 88, line 5, after the period add the following new sentence. "Provided however, employees of Ky. public school districts shall not be covered by the provisions of this Act until January 1, 1979."

and on page 17, line 11, by inserting after the word "*week*" and before the period "." the words "*or by reason of service on any appointed state or local board or commission*"

and on page 17, after line 11 and before line 12, add the following new subsection:

"*(g) As a part-time staff employee of the General Assembly, or any temporary, part-time or seasonal employee of the Commonwealth or political subdivision therefo if not required to be covered employment pursuant to Section 3309 of the Internal Revenue Code, as amended, as requirement of Section 3304 of that Code, as amended, for approval of the state's Unemployment Insurance Law.*"

and on page 23, line 8, by deleting "*in a custodial or penal institution*"

and on page 23, line 9, by deleting "*by an inmate or such institution*" and by placing brackets " [ ]" around the word "employment" and by inserting after "of an" the word "*unemployment*"

and on page 23, line 13, by inserting after the word "training" the following: "*in a custodial or penal institution by an inmate of such institution*"

and on page 23, line 13, by placing a bracket " [" after the word "training" and before the semicolon ";"

and on page 23, line 16, by placing a bracket "]" after the period "."

and on page 23, by deleting lines 17 through 21 in their entirety

and on page 24, by adding after line 17 and before line 18, the following:

"*(3) For purposes of this chapter agricultural workers who are members of a crew furnished by a crew leader to perform agricultural labor for another person shall be deemed to be employed by such crew leader as the employing unit provided that;*

(a) such crew leader holders a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or

(b) substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(c) such individual is not an employee of such other person within the meaning of paragraph (a).

(4) For purposes of this chapter, if an individual is furnished by a crew leader to perform agricultural labor for another person and who is not treated as an employee of such crew leader under subsection (3) such other person, and not the crew leader, shall be treated as the employing unit of such individual; and
(a) such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his behalf or on behalf of such other person) for the agricultural labor performed for such other person.

(5) For purposes of this section, the term 'crew leader' means an individual who:

(a) furnishes individuals to perform agricultural labor for any other person,

(b) pays (either on his behalf or on behalf of such other person) the individuals so furnished by him for the agricultural labor performed by them, and

(c) has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

and on page 33, by deleting lines 6 through 19 in their entirety

and on page 37, line 1, by adding after the word "*therefor*" and before the period "." the words " *,provided that the secretary shall require employment offices in this state to furnish such other information as shall be required by regulations of the secretary of Health, Education and Welfare*"

and on page 43, line 8, by deleting "*1.0%* and substituting in lieu thereof "*.7%*" and by deleting "*1.3%*" and substituting in lieu thereof "*1.0%*"

and on page 43, line 10, by deleting "*1.3%*" and substituting in lieu thereof "*1.0%*" and by deleting " *1.6%*" and substituting in lieu thereof "*1.3%*"

and on page 43, line 12, by deleting "*1.6%*" and substituting in lieu thereof "*1.4%*" and by deleting " *1.9%*" and substituting in lieu thereof "*1.7%*"

and on page 43, line 14, by deleting "*1.2%*" and substituting in lieu thereof "*.7%*" and by deleting "*1.9%* " and substituting in lieu thereof "*.9%*" and by deleting "*2.2%*" and substituting in lieu thereof "*1.7%*"

and on page 44, line 4, by deleting "*4.8%* and substituting in lieu thereof "*4.6%*" and by deleting "*6.0%*" and substituting in lieu thereof "*4.9%*"

and on page 44, line 6, by deleting "*5.0%*" and substituting in lieu thereof "*4.8%*" and by deleting "*6.2%* " and substituting in lieu thereof "*5.0%*"

and on page 44, line 8, by deleting "*5.5%*" and substituting in lieu thereof "*5.1%*" and by deleting "*6.4%* " and substituting in lieu thereof "*5.2%*"

and on page 45, by inserting after the word "Fund" and before the period "." the words "*, less any unpaid advances made to the State under Section 1201 of the Social Security Act*"

and on page 58, line 23, by deleting "*and for all regular*"

and on page 58, by deleting line 24 in its entirety

and on page 58, by deleting line 25 in its entirety

and on page 58, line 26, by putting a period "." after the word "*employment*" and on page 59, line 1, by deleting "*in the employ of such governmental employer.*"

and on page 59, line 17, by deleting "*and previously uncovered wages, as*"

and on page 59, line 18, by deleting "*defined in Section 10 of this Act,*"

and on page 60, line 1, by deleting "*and previously uncovered wages, as defined in*"

and on page 60, line 2, by deleting "*Section 10 of this Act,*"

and on page 64, by deleting lines 9 through 11 in their entirety

and on page 64, by deleting lines 15 through 17 in their entirety

and on page 64, line 18, by deleting "*plus any previously*"

and on page 64, line 19, by deleting "*uncovered wages during the transition period*"

and on page 64, line 21, by inserting after the word "least" and before the word "two" the words "*five hundred" and by placing a bracket " [" before the word "two" and a bracket "]" after the word "fifty"*

and on page 64, line 22, by deleting "plus any previ"

and on page 64, line 23, by deleting "*ously uncovered wages during the transition period*"

and on page 64, line 25, by deleting "*plus any previously uncovered wages during the*"

and on page 64, line 26, by deleting "*transition period*"

and on page 65, line 1, by deleting "*plus any previously uncovered*"

and on page 65, line 2, by deleting "*wages during the transition period*"

and on page 65, line 4, by inserting after the word "rate" and before the semicolon ";" the words "*with a minimum of five hundred dollars earned outside the high quarter*"

and on page 66, line 26, by placing brackets " []" around the word "has" and by inserting after the word "has" and before the word "a" the words "*performs such services in the first of such academic years or terms and if there is*" and by placing a bracket " [" before the word "or"

and on page 67, line 1, by placing a bracket "]" after the word "perform" and by deleting the word "*has* " and substituting in lieu thereof the word "*a*" and by inserting after the word "*that*" the word "*the*"

and on page 67, line 4, by inserting after the word "*institution*" the words "*in the second of*" and by placing a bracket " [" before the word "for" and by placing a bracket "]" after the word "both" and before the word "such" and by placing brackets " []" around the word "both" which follows the word "or"

and on page 67, line 11, by deleting "*has a contract or*" and substituting in lieu thereof the following: " *performs such services in the first such academic years or terms and there is a reasonable assurance that the worker will perform such services in the second of such academic years or terms; or*"

and on page 67, by deleting lines 13 through 15 in their entirety

and on page 67, by deleting lines 16 through 23 in their entirety and substituting in lieu thereof the following: "*(c) Which, when based on service in any capacity defined* in paragraphs (a) and (b) of this subsection, begins during an established and customary vacation period or holiday recess if the worker performs any such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such worker will perform many such services in the period immediately following such vacation period or holiday recess."

and on page 68, after line 6, the following: "*(5) Any professional employee of any educational institution who is prevented from reaching his work station due to inclement weather or a state of emergency shall not be paid benefits for any week during which he otherwise would have been engaged in his professional duties, provided that the denial of such benefits is not inconsistent with Section 3304(a)(6)(A) of the Internal Revenue Code.*"

and on page 68, line 7, by deleting "*(5)*" and substituting in lieu thereof "*(6)*"

and on page 71, line 25, by deleting "*plus any*"

and on page 71, by deleting line 26 in its entirety

and on page 72, line 24, by deleting "*plus any previously uncovered wages*"

and on page 72, line 25, by deleting "*during the transition period*"

and on page 88, line 3, by inserting after the word "Act" the words "shall become effective July 1, 1978, except for those sections relating to previously uncovered wages as defined in Section 10 of this Act and relating to services for which required coverage by the state was deferred until January 1, 1979, by P.L. 95-19. All sections relating to said "previously uncovered wages" as defined in Section 10 of this Act and the deferred coverage as provided by P.L. 95-19 shall become effective January 1, 1979." and by deleting ", except those relating to services for which required"

and on page 88, by deleting lines 4 and 5 in their entirety

Agreed.

Representative B. Richardson moved that **HB 634,** as amended, be passed.

On the roll call the vote was yeas 59-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Burch, Clapp, Clarke, Craddock, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hines, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Little, Mann, Maynard, McBee, McKinney, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Williams, Worthington, Wright, Yates. Nay 29-W. Allen, Blythe, Boatwright, Burnette, Carpenter, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Gay, Guenthner, Hancock, Head, Holbrook, Holloway, Layman, List, Marcum, McNutt, Overstreet, Patrick, Pearman, Plummer, Rattliff, P. Richardson, Tobin, Trevey, Wilborn.

HB 634, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 634,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 638, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 638:**

Amend printed copy of **HB 638** on page 2, by inserting the following after line 22:

"Section 2. KRS 161.520 is amended to read as follows:

Upon death of an active contributing member or upon the death of a member retired for disability, except as provided in KRS 161.661(6), the survivors of the deceased member in the following named order, may elect to receive a survivor's benefit payable as follows:

(1) Where there is a surviving widow, or a widower, who is named as beneficiary of the member's retirement account, the benefit shall be one hundred sixty dollars per month, except that effective July 1, 1976, the benefit shall be one hundred seventy-five dollars per month for an eligible widow or widower whose total income from all other sources does not exceed six thousand dollars per year or five hundred dollars per month.

(2) Where there are surviving unmarried children under age eighteen or under age nineteen if a full-time student in high school, the benefit shall be one hundred forty dollars per month in the case of one such child, two hundred fifty dollars per month in the case of two such children, three hundred dollars per month in the case of three such children, and three hundred twenty-five dollars per month in the case of four or more such children. Benefits under this subsection shall apply notwithstanding benefits which may be payable under subsections (1) and (3).

(3) Where the survivor is a child age eighteen or older whose mental or physical condition is sufficient to cause his dependency on the deceased member at the time of the member's death the benefit shall be one hundred seventy-five dollars per month, payable for the life of such child or until such time as the mental or physical condition creating the dependency no longer exists. Benefits under this subsection and subsection (2) shall apply to legally adopted survivors provided the proceedings for the adoption were initiated at least one year prior to the death of the member. Benefits under this subsection shall apply notwithstanding benefits which may be payable under subsections (1) and (2) and shall be in addition to such benefits.

(4) Where the sole eligible survivors are dependent parents aged sixty-five or over, the benefit shall be one hundred seventy-five dollars per month for one parent or two hundred forty dollars per month for two parents. Dependency of a parent shall be established as of the date of the death of the member.

(5) Where the sole eligible survivor is a dependent brother or sister, the benefit shall be one hundred forty dollars per month. In order to qualify the brother or sister must have been a resident of the deceased member's household for at least one full year prior to the member's death or must have been receiving care in a hospital, nursing home or other institution at the member's expense for a like period.

(6) The benefit to a child as defined in subsection (2) of this section shall terminate upon the attainment of age eighteen or upon reaching age nineteen if a full-time student in high school or upon marriage, except that benefits shall continue until the attainment of age twenty-three for an unmarried child who is a full-time student in a recognized educational program beyond the high school level. The benefit to a widow, widower, dependent parent or dependent brother or sister or dependent child age eighteen or older shall terminate upon marriage, or upon termination of the condition creating the dependency.

(7) The board of trustees shall be the sole judge of eligibility or dependency of any beneficiary, and may require formal application or information relating thereto, including proof of annual income satisfactory to the board. The board of trustees may subpoena records and individuals whenever it deems such action necessary.

(8) No payments of benefits shall be made unless the board of trustees shall have authorized such payments. The board shall formulate and adopt necessary rules and regulations for the administration of the foregoing provisions and in every case the decision of the board of trustees shall be final as to eligibility, dependency, or disability, and the amounts of benefit payable.

(9) In the event that there are no eligible survivors as defined in subsections (1), (2), (3), (4), and (5) of this section, the board of trustees shall pay to the estate or assigns of the deceased member a refund of his accumulated contributions as provided in KRS 161.470(7). If the benefits paid or payable under subsections (1), (2), (3), (4), and (5) of this section and KRS 161.661 shall amount to a sum less than the member's accumulated contributions at the time of death, the board of trustees shall pay to the estate or assigns of the deceased member the balance of such accumulated contributions.

(10) Effective July 1, 1978, a monthly payment of one hundred and seventy-five dollars shall be payable for the benefit of an adult child of a member retired for service when the child's mental condition is sufficient to cause dependency on the member at the time of retirement. Eligibility for this payment shall continue for the life of such child or until such time as the mental condition creating the dependency no longer exists. Benefits under this subsection shall not apply to adopted children. The board of trustees shall be the sole judge of eligibility or dependency and may require formal application or information relating thereto."

and on page 2, line 23, by adding the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO READ AS FOLLOWS:

Any person who was a teacher for at least four (4) years before age seventy (70), including service as a teacher prior to July 1, 1941, shall be granted membership in the Kentucky teachers retirement system and shall be eligible for a retirement annuity therein, KRS 161.600(2) notwithstanding."

Agreed.

Representative B. Richardson moved that **HB 638,** as amended, be passed.

On the roll call the vote was yeas 78-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, Maynard, McBee, McKinney, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Wilborn, Worthington, Yates. Nays 4-Beshear, Brown, Clarke, Pearman.

HB 638, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 638,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker announced the following members of Conference Committees:

HB 36	Representative Kidd, Chairman Representative Petty Representative P. Richardson
HB 46	Representative Fitzgerald, Chairman Representative LeMaster Representative Van Horn
HB 98	Representative Behsear, Chairman Representative Priddy Representative DeMarcus
HB 99	Representative Deskins, Chairman Representative DeFalaise Representative Jones
HB 101	Representative Boswell, Chairman Representative Holbrook Representative Clapp
HB 102	Representative Clapp, Chairman Representative Trevey Representative Beshear
HB 393	Representative McBee, Chairman Representative Donnermeyer Representative Dietz
HB 760	Representative Tobin, Chairman Representative Bendl Representative Bennett
HB 358	Representative Imes, Chairman Representative Cyrus Representative Clapp
HB 137	Representative Beshear, Chairman Representative Blythe Representative Thomas
HB 1	Representative Mann, Chairman Representative Allen Representative Donnermeyer

HB 519 Representative Lindsay, Chairman
Representative Holloway
Representative Boatwright

SB 114 taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House recede from the House Amendment to **SB 114.**

On the roll call the vote was yeas 28-Boswell, Burnette, Clarke, Crupper, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Johnson, Kleier, Layman, List, Little, Mann, Maynard, McBee, McKinney, Nett, Noe, Petty, Rattliff, Sale, Thomas, Van Horn, Wright. Nays 48-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Brinkley, Brown, Bruce, Burch, Carpenter, Craddock, Davenport, DeFalaise, DeMarcus, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kenton, LeMaster, Lindsay, Marcum, May, Morris, O'Brien, Pearman, Plummer, Richards, B. Richardson, Schmidt, F. Smith, Stewart, Stone, Tobin, Trevey, Weinberg, White, Wilborn, Williams.

The motion that the House recede from the House Amendment to **SB 114** was rejected.

Representative B. Richardson moved that the rules be suspended to allow Senate requests to recede from Amendments to be acted on individually. Agreed.

Representative B. Richardson moved that the House recede from Amendment No. 4 to **SB 143.** Agreed.

Representative B. Richardson moved that the vote on **SB 114** be reconsidered.

On the roll call the vote was yeas 50-Adams, Arnold, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Crupper, Davenport, Donnermeyer, Foster, Gay, Guy, Hancock, Hurst, Imes, Isler, Johnson, Jones, Kenton, LeMaster, Lindsay, List, Little, Mann, Maynard, McBee, Morris, O'Brien, Overstreet, Petty, Richards, B. Richardson, Sale, F. Smith, Stewart, Thomas, Tobin, Trevey, Weinberg, Wells, White, Wilborn, Worthington, Yates. Nays 10-Cyrus, DeFalaise, Deskins, Dunn, Guenthner, Holbrook, Holloway, Marcum, Pearman, Van Horn.

The motion that the vote on **SB 114** be reconsidered was adopted.

Speaker Pro Tempore presiding.

Representative B. Richardson moved that the House not recede from the House Amendment to **SB 299.** Agreed.

Representative B. Richardson moved that the House not recede from the House Amendment to **SB 328.** Agreed.

HB 546, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 546:**

Amend printed copy of **HB 546** on page 13, after line 22 by adding the following:

"(6) Sixty percent (60%) of the funds available to each county shall be restricted for use on the state primary road system. Forty percent (40%) of such funds shall be restricted for use on the county road system on projects selected by the fiscal court. An amount not to exceed three percent (3%) of the total amount annually appropriated to or otherwise received by the coal impact road fund may be deducted for administration of the program by the bureau of highways."

and by renumbering all subsequent sections and on page 13, line 19, by deleting "one seventy-second (1/72)" and inserting in lieu thereof "1.75 percent"

and on page 15, after line 11 by adding the following:

"(5) The provisions of any other law notwithstanding, the governor shall include in the biennial budget report and in the draft appropriation act or acts submitted to each regular session of the General Assembly pursuant to KRS 45.030 and 45.040, for the biennium period beginning July 1, 1980, and for each biennium thereafter, recommendations for appropriations from the general fund to be made by the General Assembly to the energy road fund and the coal impact road fund estabished by KRS Chapter 177.

(6) The amount to be recommended for the appropriation to the energy road fund, in addition to the amount provided for in Section 8(7) of this Act, shall be nine and six-tenths percent (9.6%) of the severence tax estimate for each fiscal year of the biennium."

and by renumbering all subsequent subsections.

and on page 18, line 5, by deleting the word "*calendar*" and inserting in lieu thereof the word "*fiscal*"

Agreed.

Representative B. Richardson moved that **HB 546,** as amended, be passed.

On the roll call the vote was yeas 69-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Burch, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Kenton, Kleier, LeMaster, List, Little, Mann, May, McKinney, Morris, Nett, Noe, O'Brien, Pearman, Richards, B. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 546, as amended, was passed and the title agreed to.

Representative Weinberg moved that the vote by which **HB 546,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 216, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 216:**

Amend printed copy of **HB 216** on page 77, after line 4, by adding the following:

"Section 42. KRS 138.515 is amended to read as follows:

The commission, including the tax levied in KRS 138.510, deducted from the gross amount wagered by the person, corporation or association which operates a running horse race track at which betting is conducted through a pari-mutuel or other similar system shall not exceed 15 per cent of the gross amount handled, *except that for the purposes of races conducted under the auspices of the quarter horse and appaloosa commission shall not exceed 17 percent of the gross amount handled,* and the breaks, which breaks shall be made and calculated to the dime.

SECTION 43. A NEW SECTION OF KRS CHAPTER 140 IS CREATED TO READ AS FOLLOWS:

(1) Where a beneficiary elects to pay the inheritance tax on the installment basis as provided in this chapter, such beneficiary may be required to post sufficient security at any time the department reasonably believes collection of the tax may be in jeopardy.

(2) Failure of a beneficiary to pay any installment due or to post the required security shall cause all installments to become immediately due and payable."

and on page 59, by deleting lines 6 through 17 in their entirety

Agreed.

Representative B. Richardson moved that **HB 216,** as amended, be passed.

On the roll call the vote was yeas 60-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Kenton, Kleier, LeMaster, Lindsay, List, Mann, May, Nett, Noe, O'Brien, Richards, B. Richardson, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Trevey, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 6-Bruce, Head, Morris, Pearman, Tobin, Van Horn.

HB 216, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 216,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 713, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative LeMaster moved that the House concur in the following Senate Amendment to **HB 713:**

Amend printed copy of **HB 713** on page 6, line 2, by deleting "425.021, Service of pleadings"

and on page 6, line 3, by deleting "on defendant;"

Agreed.

Representative LeMaster moved that **HB 713,** as amended, be passed.

On the roll call the vote was yeas 68-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Kenton, Kleier, Layman, LeMaster, Lindsay, List, Little, May, McKinney, McNutt, Nett, Noe, O'Brien, Pearman, Priddy, Richards, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Trevey, Van Horn, Weinberg, White, Wilborn, Wright, Yates. Nays 0.

HB 713, as amended, was passed and the title agreed to.

Representative LeMaster moved that the vote by which **HB 713,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative LeMaster moved that the House recess until 4:00 p.m.

On the roll call vote was yeas 17-Beshear, Blandford, Burnette, Cyrus, Davenport, Dawahare, Deskins, Fitzgerald, Layman, LeMaster, List, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington. Nays 48-Adams, Bendl, Bennett, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, DeFalaise, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Hurst, Isler, Johnson, Kenton, Little, May, McKinney, McNutt, Morris, Nett, O'Brien, Pearman, Richards, B. Richardson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Wright, Yates.

The motion to recess was rejected.

HB 752, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 752:**

Amend printed copy of **HB 752** on page 4, line 10, by deleting "three" and inserting in lieu thereof "five"

and on page 4, line 11, by deleting "1986" and inserting in lieu thereof "1988"

and on page 4, line 13, by deleting "three" and inserting in lieu thereof "five"

and on page 4, line 14, by deleting "1984" and inserting in lieu thereof "1986"

Agreed.

Representative B. Richardson moved that **HB 752,** as amended, be passed.

On the roll call the vote was yeas 45-Bendl, Bennett, Benson, Beshear, Blythe, Burch, Burnette, Clapp, Clarke, Craddock, Davenport, DeFalaise, DeMarcus, Deskins, Dunn, Fitzgerald, Foster, Haering, Hancock, Head, Hines, Imes, Isler, Kenton, Kidd, Kleier, Layman, Mann, McNutt, Nett, O'Brien, Richards, P. Richardson, Robinson, Sale, Siemens, F. Smith, Stewart, Tobin, Trevey, White, Wilborn, Worthington, Wright, Yates. Nays 19-Adams, Arnold, Boswell, Bruce, Cyrus, Gray, Guy, Holbrook, Holloway, Hurst, Johnson, Lindsay, Little, McKinney, Morris, Noe, Pearman, Riner, Van Horn.

HB 752, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 752,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker announced **HB 752** was defeated, since it required 60 votes for passage.

HB 718, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Clarke moved that the House concur in the following Senate Amendment to **HB 718:**

Amend printed copy of **HB 718** on page 9, by adding after line 22, the following:

"SECTION 7. A NEW SECTION OF KRS CHAPTER 134 IS CREATED TO READ AS FOLLOWS:

Monies paid to the county attorney under KRS 132.350, KRS 134.340, KRS 134.400, KRS 134.500, KRS 134.540 and KRS 135.040 shall be used only for payment of county attorney office operating expenses.

Agreed.

Representative Clarke moved that **HB 718,** as amended, be passed.

On the roll call the vote was yeas 58-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Clapp, Clarke, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kleier, Layman, Lindsay, McKinney, McNutt, Nett, Noe, O'Brien, Richards, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, Stone, Tobin, Trevey, Van Horn, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 718, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 718,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 745, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 745:**

Amend printed copy of **HB 745** on page 10, after line 4, by adding the following:

SECTION 8. A NEW SECTION OF KRS CHAPTER 385 IS CREATED TO READ AS FOLLOWS:

A testator may bequeath securities, money, life insurance policies, and annuity contracts, as such terms are defined or used in the Kentucky Uniform Gifts to Minors Act (KRS 385.011 to 385.101), to a person who is a minor as provided in this Act.

SECTION 9. A NEW SECTION OF KRS CHAPTER 385 IS CREATED TO READ AS FOLLOWS:

If a testator provides in his will that a bequest shall be paid or delivered to a custodian subject to the Kentucky Uniform Gifts to Minors Act, then all of the provisions of that act including, but not limited to, the provisions of such act as to definitions and the respective powers, rights and immunities therein contained, shall be applicable to such bequest, during the period prior to distribution of the property.

SECTION 10. A NEW SECTION OF KRS CHAPTER 385 IS CREATED TO READ AS FOLLOWS:

The bequest shall be to a designated adult person or a trust company qualified to do business in this state with the words, in substance "as custodian for (name of minor) under the Kentucky Uniform Gifts to Minors Act." Failure to name a qualified custodian shall not invalidate the bequest as a bequest permitted by this Act. A variation in the wording of the bequest from the wording set forth in this section shall be disregarded if the testator's intent to make a bequest pursuan to this Act appears from the will as a whole or the wording of the bequest.

SECTION 11. A NEW SECTION OF KRS CHAPTER 385 IS CREATED TO READ AS FOLLOWS:

Unless the will clearly requires otherwise, a bequest which does not comply with the provisions of this Act, or a bequest to a person who becomes an adult prior to the distribution thereof, shall be deemed to be a direct bequest to the person named as the minor for whom the property was to be held.

SECTION 12. A NEW SECTION OF KRS CHAPTER 385 IS CREATED TO READ AS FOLLOWS:

If a testator provides for such bequest to be paid or delivered as provided in this Act, the executor or administrator of his estate shall make distribution thereof by transferring the bequeathed property in the form and manner provided by the Kentucky Uniform Gifts to Minors Act.

SECTION 13. A NEW SECTION OF KRS CHAPTER 385 IS CREATED TO READ AS FOLLOWS:

The testator in his will may provide for successor or alternate custodians, and specify the standard of compensation of the custodian.

SECTION 14. A NEW SECTION OF KRS CHAPTER 385 IS CREATED TO READ AS FOLLOWS:

If a vacancy in the custodianship exists prior to full distribution of the bequest by the executor or administrator, a successor custodian shall be appointed for any undistributed property in the manner provided by the Kentucky Uniform Gifts to Minors Act.

SECTION 15. A NEW SECTION OF KRS CHAPTER 385 IS CREATED TO READ AS FOLLOWS:

Except as otherwise provided in the will or order by a court, each custodian designated in the will and the person for whom the property is to be held shall be deemed a legatee for the purpose of receiving notices which may be required or permitted to be sent to a legatee in the estate of the testator. Unless required by the will or ordered by the court a custodian shall not have a duty to participate in the proceedings in the estate on behalf of the minor, and in no event shall he have a duty to so participate unless and until he has filed a written notice of acceptance of the office of custodian with the clerk of the court in which administration of the estate of the testator is pending.

SECTION 16. A NEW SECTION OF KRS CHAPTER 385 IS CREATED TO READ AS FOLLOWS:

Until distribution of the property is completed, the court in which administration of the estate of the testator is pending shall have exclusive jurisdiction over all proceedings and matters concerning undistributed property, including, but not limited to, the appointment, declination, resignation, removal, bonding, compensation of and delivery or transfer of the undistributed property to a custodian. After distribution of any property is completed, such court shall have no further jurisdiction over the property so distributed, and such property shall be held subject to the Kentucky Uniform Gifts to Minors Act in the same manner as if it had been a lifetime gift.

SECTION 17. A NEW SECTION OF KRS CHAPTER 385 IS CREATED TO READ AS FOLLOWS:

This Act shall not be construed as providing an exclusive method for making bequests to or for the benefit of minors."

and on page 1, by amending the Title to read as follows: "AN ACT relating to children."

Agreed.

Representative B. Richardson moved that **HB 745,** as amended, be passed.

On the roll call the vote was yeas 63-Adams, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Burch, Burnette, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kidd, Kleier, Layman, LeMaster, Little, Marcum, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, Stone, Thomas, Trevey, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 745, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 745,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 74, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HR 74:**

Amend printed copy of **HJR 74** on page 1, after line 9, by adding the following:

"Section 3. The Legislative Research Commission through the Interim Joint Committee on Education is hereby directed to study the needs of dyslexic children.

Section 4. The study shall include the review and identification of unmet needs concerning the availability and adequacy of instructional programs serving those children with dyslexia and the adequacy of screening capabilities within the elementary school program.

Section 5. The study along with any appropriate recommendations shall be concluded no later than June 1, 1979.

Section 6. There is appropriated to the Legislative Research Commission the sum of $10,000 to carry out the directions of Sections 3 through 5."

Agreed.

Representative B. Richardson moved that **HR 74,** as amended, be passed.

On the roll call the vote was yeas 55-Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Burch, Burnette, Craddock, Cyrus, Davenport, Deskins, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kidd, Kleier, Lindsay, Little, Marcum, McKinney, McNutt, Morris, Noe, O'Brien, Petty, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Weinberg, Wilborn, Wright, Yates. Nays 4-Clarke, Pearman, Schmidt, Van Horn.

HR 74, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HR 74,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 356, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Beshear moved that the House concur in the following Senate Amendment to **HB 356:**

Amend printed copy of **HB 356** on page 1, line 4, by deleting the words "in sup-" and inserting in lieu thereof "other"

and on page 1, line 5, by deleting the words "port of any candidate in a primary" and inserting in lieu thereof "than in support of the party's candidates in a general"

Agreed.

Representative Beshear moved that **HB 356,** as amended, be passed.

On the roll call the vote was yeas 57-Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Burch, Clapp, Clarke, Craddock, Cyrus, Davenport, DeFalaise, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kidd, Kleier, Lindsay, Little, McKinney, Morris, Nett, Noe, O'Brien, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wilborn, Wright, Yates. Nays 3-Bruce Fitzgerald, Pearman.

HB 356, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 356,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 497, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 497:**

Amend printed copy of **HB 497** on page 1, line 20, after the word "problem." by inserting the following: "*Pregnancy counseling will not include abortion counseling or referral information.*"

Agreed.

Representative B. Richardson moved that **HB 497,** as amended, be passed.

On the roll call the vote was yeas 46-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Burch, Clapp, Clarke, Craddock, Byrus, Davenport, DeFalaise, Deskins, Dunn, Foster, Gray, Hancock, Hines, Hurst, Isler, Johnson, Kenton, Kidd, Kleier, Little, McKinney, Nett, O'Brien, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Tobin, Weinberg, Wilborn, Yates. Nays 20-Brinkley, Bruce, Fitzgerald, Gay, Guenthner, Haering, Head, Holbrook, Holloway, Imes, Layman, LeMaster, Lindsay, McNutt, Morris, Pearman, Trevey, Van Horn, Worthington, Wright.

HB 497, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 497**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

HB 1 returned for further consideration: **HB 760** returned for enrollment; **SB 192** returned with letter requesting that House recede from its Amendment.

Orders of the Day (continued)

HR 67, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HR 67:**

Amend printed copy of **HCR 67** on page 2, after line 22, by adding the following:

"Section 4. The Legislative Research Commission, through the interim joint committee on education, is directed to study the feasibility of using education programs such as planned workshops and other non-college degree programs, to qualify teachers for the ranks established in the foundation program. The study shall include, but need not be limited to, continuing education units, professional development and in service programs.

Section 5. The results of the study along with any recommendations shall be reported to the members of the Interim Joint Committee on Education not later than June 1, 1979.

Section 6. Staff services to be utilized in completing this study are estimated to cost $12,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission."

Agreed.

Representative B. Richardson moved that **HR 67,** as amended, be passed.

On the roll call the vote was yeas 59-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Burch, Clapp, Clarke, Craddock, Cyrus, Davenport, Dunn, Foster, Gay, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kidd, Kleier, Lindsay, List, Little, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Weinberg, Wilborn, Worthington, Wright, Yates. Nays 5-Bruce, Fitzgerald, LeMaster, Pearman, Van Horn.

HR 67, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HR 67,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 79, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Bendl moved that the House concur in the following Senate Amendment to **HB 79:**

Amend printed copy of **HB 79** on page 1, line 20, by deleting the word "*twenty*" and the number " *$20,000)*" and by removing the brackets from around the word "ten" and from around the number "($10.00)"

and on page 1, line 21, by deleting the word "*two*"

and on page 2, line 1, by deleting "*(2) years*" and removing the brackets from around "one (1) year"

Agreed.

Representative Bendl moved that **HB 79,** as amended, be passed.

On the roll call the vote was yeas 44-J. Allen, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Clapp, Clarke, Craddock, Cyrus, Davenport, Deskins, Dunn, Gray, Hancock, Hines, Hurst, Isler, Johnson, Kidd, Kleier, LeMaster, List, McKinney, McNutt, Nett, O'Brien, Pearman, Petty, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, Stone, Tobin, Trevey, Weinberg, Wilborn, Yates. Nays 23-Boatwright, Bruce, Burch, Burnette, DeFalaise, Fitzgerald, Foster, Gay, Guenthner, Guy, Haering, Head, Holbrook, Layman, Lindsay, Little, Noe, Riner, Schmidt, R. Smith, Van Horn, Worthington, Wright.

HB 79, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 79,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 80, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House refuse to concur in the following Senate Amendment to **HB 80:**

Amend printed copy of **HB 80** on page 2, by adding the following after line 4:

"(3) In planning the additional and periodic reviews of children placed in foster family homes as provided for in this Act the department shall conduct reviews of all children in any given home at the same time.

Agreed.

Representative B. Richardson moved that **HB 549** be taken from the Clerk's desk and placed in Order of the Day. Agreed.

Representative B. Richardson moved that the House not recede from its Amendment to **SB 114.** Agreed.

Recess

Representative B. Richardson moved that the House recess until 4:00 p.m. for Conference Committee meetings. Agreed.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

Representative B. Richardson moved that the House recede from the House Amendment to **SB 102.** Agreed.

Representative B. Richardson moved that the House recede from the House Amendment to **SB 276.** Agreed.

Representative B. Richardson moved that the House refuse to recede from the House Amendment to **SB 193.** Agreed.

Representative B. Richardson moved that the House recede from the House Amendment to **SB 224.** Agreed.

Representative B. Richardson moved that the House recede the House Amendment to **SB 192.** Agreed.

The Speaker announced the following members of Conference Committees:

SB 299 Representative Imes, Chairman
Representative Guy
Representative Worthington

SB 114 Representative McBee, Chairman
Representative Tobin
Representative Adams

SB 328 Representative Brinkley, Chairman
Representative Wilborn
Representative Bruce

The Conference Committees reported as follows:

Representative Imes, Chairman of the Conference Committee on **HB 358,** requested a Free Conference Committee be appointed. The same House members remained as members of the Free Conference Committee.

Representative McBee, Chairman of the Conference Committee on **HB 393** requested a Free Conference Committee be appointed. The same House members remained as members of the Free Conference Committee.

Representative Boswell, Chairman of the Conference Committee on **HB 101** requested a Free Conference Committee be appointed. The same House members remained as members of the Free Conference Committee.

Representative Deskins, Chairman of the Conference Committee on **HB 99** read the following Conference Committee Report:

The conference committee has met as provided in the rules of the House and the Senate and hereby reports the following: "1. Senate Amendment No. 2 shall be deleted." (Endorsed by Senators Moloney, Pollitte and Moseley; Representatives Deskins, DeFalaise and Jones.)

Representative Deskins moved the adoption of the Conference Committee Report on **HB 99.** Agreed.

Representative Fitzgerald, Chairman of the Conference Committee on **HB 46,** requested a Free Conference Committee. The same House members remained as members of the Free Conference Committee.

Representative Kidd, Chairman of the Conference Committee on **HB 36,** requested a Free Conference Committee. The same House members remained as members of the Free Conference Committee.

Representative Priddy, Chairman of the Conference Committee on **HB 98,** read the following Conference Committee report:

The members of the conference committee having met to consider House Bill 98, have agreed to recommend that the House of Representatives concur in Senate amendments 1, 2 and 3. (Endorsed by Senators Baker and Berry; Representatives Beshear and DeMarcus.)

Representative B. Richardson moved the adoption of the Conference Committee Report on **HB 98.** Agreed.

Representative B. Richardson moved that **HB 1,** with Senate Amendment attached thereto, be reconsidered. Agreed.

HB 1, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment to **HB 1:**

HB 1, AN ACT relating to alcoholic beverage control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 241 IS CREATED TO READ AS FOLLOWS:

The legislative body of any urban-county government in which traffic in alcoholic beverages is not forbidden by KRS Chapter 242 shall by ordinance create the office of urban-county alcoholic beverage control administrator.

SECTION 2. A NEW SECTION OF KRS CHAPTER 241 IS CREATED TO READ AS FOLLOWS:

(1) The urban-county administrator in each urban-county government and such investigators and clerks as are deemed necessary for the proper conduct of his office, shall be appointed by the mayor. The urban-county administrator, and his investigators, shall have full police powers of peace officers, and their jurisdiction shall be co-extensive with such urban-county governments. They may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

(2) No person shall be an urban-county administrator, an investigator or an employe of the urban-county government under the supervision of the urban-county administrator, who would be disqualified to be a member of the board under KRS 241.100.

SECTION 3. A NEW SECTION OF KRS CHAPTER 241 IS CREATED TO READ AS FOLLOWS:

(1) Each urban-county administrator before entering upon his duties as such, shall take the oath prescribed in Section 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of not less than one thousand dollars ($1,000).

(2) Each urban-county administrator may require any employe under his supervision to execute a similar bond in such penal sum as he deems necessary.

(3) The cost of bonds given under this section shall be borne by the urban-county government.

SECTION 4. A NEW SECTION OF KRS CHAPTER 241 IS CREATED TO READ AS FOLLOWS:

The functions of each urban-county administrator shall be the same with respect to urban-county licenses and regulations, as the functions of the board with respect to state licenses and regulations, except that no regulation adopted by an urban-county administrator may be less stringent than the statutes relating to alcoholic beverage control, or than the regulations of the board. No regulation of an urban-county administrator shall become effective until it has been approved by the board.

SECTION 5. A NEW SECTION OF KRS CHAPTER 241 IS CREATED TO READ AS FOLLOWS:

Appeals from the orders of each urban-county administrator may be taken to the board by filing with the board within ten (10) days a certified copy of the orders of the urban-county administrator. Matters at issue shall be heard by the board as upon an original proceeding. Appeals from orders of the urban-county administrator shall be governed by KRS 243.550 to 243.590.

Section 6. KRS 241.990 is amended to read as follows:

Any person who after an opportunity to be heard is found by the commissioner to have violated any of the provisions of KRS 241.100, or acted as county administrator in violation of subsection (1) of KRS 241.120, or acted as city administrator or a city employe in violation of subsection (3) of KRS 241.170, *or acted as an urban-county administrator in violation of Section 2 of this Act,* shall automatically vacate his office or position, and upon conviction by a court, he shall be guilty of a felony and be punished by a fine of not more than five thousand dollars ($5,000) or by imprisonment for not more than two (2) years, or both.

Section 7. KRS 241.060 is amended to read as follows:

The board shall have the following functions, powers and duties:

(1) To adopt reasonable regulations governing the procedure relative to applications for and revocations of licenses and relative to all other matters over which the board has jurisdiction, and for the supervision and control of manufacture, sale, transportation, storage, advertising and trafficking of alcoholic beverages. Regulations need not be uniform in their application, but may vary in accordance with reasonable classifications;

(2) To limit in its sound discretion the number of licenses of each kind or class to be issued in this state or any political subdivision, and restrict the locations of licensed premises. To this end the board may make

reasonable division and subdivision of the state or any political subdivision into districts. Regulations relating to the granting, refusal and revocation of licenses may be different within the several divisions of subdivisions;

(3) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and require the production of any books or papers relative to the inquiry, regardless of whether the witnesses are licensees. The power provided in this subsection may be delegated by the board to any member or employe of the department. Provisions of the Rules of Civil Procedure shall apply to subpoenas issued pursuant to this subsection, but such subpoenas shall be effective throughout the state and shall be enforceable by petition to a court of competent jurisdiction. The department may pay witnesses the per diem and mileage provided in KRS 421.010;

(4) To conduct hearings and appeals under KRS 241.150, 241.200, 243.470 and 243.520 and render decisions upon the subjects of the hearings and appeals;

(5) To suspend, revoke or cancel for cause, after a hearing, any license issued under KRS 243.020 to 243.670;

(6) If violation of KRS chapter 241, KRS 243.020 to 243.670 or KRS chapter 244 has taken place on the premises within the knowledge of the owner, or was committed or permitted in or upon premises owned by a licensee, the board shall prohibit the issuance of a license for the premises until the expiration of two (2) years from the time the offense was committed;

(7) To suspend a license for any cause for which the board is authorized to exercise its discretion as to revoking a license;

(8) To make rules and regulations and to provide forms, that may be necessary to regulate the alcoholic beverage industry and to make KRS 244.380 to 244.470 effective. [Before any such rule or regulation is adopted, the board, after notice, shall hold a public hearing at its offices in Frankfort, Kentucky, not less than five (5) days before said rule or regulation is to be adopted. Notice of such hearing and of the proposed rule or regulation, shall be given in the following manner:

(a) By publication pursuant to KRS chapter 424; and

(b) By registered letter to the principal office of any organized group or groups of licensees, or class thereof, where such organization has made a request, in writing, to be so notified.

In the event of an emergency the provisions of KRS 13.085 shall become applicable. When any rule or regulation is adopted, the same shall be filed and become effective in the manner and time prescribed in KRS chapter 13.]

Section 8. KRS 242.380 is amended to read as follows:

(1) No property rights *other than those in the alcoholic beverage commission pursuant to KRS 244.195(1)* shall exist in any alcoholic beverages obtained, possessed, held or used in violation of this chapter.

(2) The court, upon conviction of the person arrested, shall order the alcoholic beverages *to be sold by the department of alcoholic beverage control or its representative in accordance with the provisions of KRS 244.195* [destroyed].

[(3) No person who has been ordered by a court to destroy alcoholic beverages shall fail to destroy all of them.]

Section 9. KRS 243.020 is amended to read as follows:

(1) No person shall do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting or other traffic in alcoholic beverages unless he holds the kind of license that authorizes such act.

(2) The holding of any permit from the United States government to traffic in alcoholic beverages without the corresponding requisite state and local licenses shall in all cases raise a prima facie presumption that the holder of the United States permit is unlawfully trafficking in alcoholic beverages.

(3) No person, conducting a place of business patronized by the public, who does not hold a license to sell distilled spirits and wine by the drink, shall permit any person to sell, barter, loan, give away or drink distilled spirits or wine on the premises of his place of business.

(4) No distilled spirits or wine in excess of three (3) gallons *(twelve (12) liters)* shall be stored or kept except upon the licensed premises of a person who is the holder of a license provided for in KRS 243.030.

Section 10. KRS 243.030 is amended to read as follows:

The following kinds of distilled spirits and wine licenses may be issued by the administrator of the distilled spirits unit, the fees for which shall be:

(1) Distiller's license, per annum	$ 500.00
(2) Rectifier's license, per annum	$1,500.00
(3) Blender's license, per annum	$ 500.00
(4) Vintner's license, per annum	$ 500.00

(5) Small winery license, per annum $250.00

(6) Wholesaler's license, per annum $1,000.00

(7) Retail package license, per annum:

(a) In counties containing cities of the first class $600.00

(b) In counties containing cities of the second class $500.00

(c) In counties containing cities of the third class $400.00

(d) In counties containing cities of the fourth class $300.00

(e) In all other counties $200.00

(8) Retail drink license, per annum:

(a) In counties containing cities of the first class $800.00

(b) In counties containing cities of the second class $500.00

(c) In counties containing cities of the third class $400.00

(9) Transporter's license, per annum $ *25.00* [10.00]

(10) Dining car license, per annum $50.00

(11) Special nonbeverage alcohol vendor's license, per annum $ *25.00* [2.00]

(12) Special industrial alcohol license, per annum $ *25.00* [2.00]

(13) Special nonindustrial alcohol license, per annum $ *25.00* [2.00]

(14) Special agent's or solicitor's license, per annum $ *20.00* [2.00]

(15) Special storage or warehouse license, per annum $ *100.00* [50.00]

(16) Special temporary license, per month or part of month, one-sixth (1/6) of the fees enumerated in subsection (7).

(17) Special private club license, per annum $150.00

(18) Special Sunday retail drink license $300.00

(19) Nonresident, special agent or solicitor's license, per annum $ 20.00

(20) Transport permit, nonresident license, per annum $ 25.00

(21) Through transporter's license, per annum $ 25.00

(22) Freight forwarder's license, per annum $ 25.00

(23) Supplemental bar license:

(a) In counties containing cities of the first class $800.00

(b) In counties containing cities of the second class $500.00

(c) In counties containing cities of the third class $ 400.00

(24) [(19)] Such other special license as the board may find necessary for the proper regulation and control of the traffic in distilled spirits and wine and may provide for by regulation. In fixing the amount of license taxes that are required to be fixed by the board, it shall have regard for the value of the privilege granted.

(25) Any international airport located within the Commonwealth of Kentucky shall be eligible for a license provided for in KRS 243.030(18) and shall not be subject to limitations contained in KRS 244.290 and 244.480.

Section 11. KRS 243.040 is amended to read as follows:

The following kinds of malt beverage licenses may be issued by the administrator of the malt beverages unit, the fees for which shall be:

(1) Brewer's license, per annum $1,000.00

(2) Distributor's license, per annum $100.00

(3) Retailer's license, per annum:

(a) New applicants $150.00

(b) Renewals $75.00

(4) Dining car license, per annum $75.00

(5) Transporter's license, per annum $5.00

(6) Special temporary license, per month or part of month $12.50

(7) Special off-premises storage license, per annum $25.00

(8) Distributor's storage, per annum $50.00

(9) Special beer transporter's license, per annum $25.00

(10) [(7)] Such other special licenses as the state board finds to be necessary for the administration of KRS Chapters 241, 243 and 244 and for the proper regulation and control of the trafficking in malt beverages, which may be provided for by regulation and adopted by the state board.

Applicants for special licenses provided for under the authority granted in subsection *(10)* [(7)] may be exempt from so much of the provisions of subsection (3) of KRS 243.100 and paragraph (c) of subsection (1) of KRS 244.090 as the board by regulation prescribes.

Section 12. KRS 243.100 is amended to read as follows:

No person shall become a licensee under KRS 243.020 to 243.670 who:

(1) Has been convicted of any *felony or* misdemeanor directly or indirectly attributable to the use of alcoholic beverages, [or any felony,] within two (2) years preceding the application;

(2) Is under the age of twenty-one (21) years;

(3) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one (1) year before the date on which his application for a license is made. This subsection shall not apply to applicants for manufacturers' licenses, to applicants that are corporations authorized to do business in this state or to persons licensed on March 7, 1938;

(4) Is a partnership or corporation, unless each member of the partnership or each of the directors, principal officers, *or* managers [and employes] of the corporation has not been convicted of any misdemeanor *or felony* directly attributable to the use of alcoholic beverages, [or a felony,] is twenty-one (21) years of age or more and is a citizen of the United States;

(5) Has had any license issued under this statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two (2) years from the date of the revocation or conviction; or

(6) Is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until the expiration of two (2) years from the date of the revocation or conviction.

Section 13. KRS 243.180 is amended to read as follows:

(1) A distributor's license shall authorize the licensee to purchase *malt beverages from Kentucky breweries or from out-of-state breweries or distributors licensed to do business by the state in which they are located,* import *a non-U.S. brand malt beverage from an importer or wholesaler registered with the Kentucky Department of Revenue;* or store malt beverages and to sell them only, from the licensed premises, to other distributors, to licensed retailers, to any of its employes for home consumption and also to charitable or fraternal organizations holding group meetings, picnics or outings.

(2) A distributor shall transport malt beverages only by a vehicle owned, rented or leased and operated by himself, which has affixed to its sides at all times a sign of form and size prescribed by the state board, containing among other things the name and license number of the licensee. No distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier.

(3) A distributor's license must be obtained for each separate warehouse, agent, distributor, broker, jobber or place of business from which orders are received or beverages are distributed unless it is a licensed brewery.

Section 14. KRS 243.210 is amended to read as follows:

(1) A malt beverage transporter's license shall authorize the licensee to transport malt beverages for hire to or from the licensed premises of any licensee under KRS *243.040, except retailers,* [243.020 to 243.670] if both the consignor and consignee in each case are authorized by the law of the states of their residence to sell, purchase, ship or receive the malt beverages.

(2) Notwithstanding the provisions of subsection (1) of this section, a transporter's license shall not be issued to a malt beverage retailer.

Section 15. KRS 243.220 is amended to read as follows:

(1) No license for the sale of alcoholic beverages at retail shall be issued for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(2)(a) No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises and the entrance to the premises are on the street level and located in a business center or on a main thoroughfare.

(b) Paragraph (a) of this subsection shall not apply to a hotel, club or restaurant, provided the club or restaurant receives a minimum of forty per cent (40%) of its income from the sale of food and has a minimum seating capacity of fifty (50) people at tables. In the class of cases described in this paragraph the administrator to whom the application is made may, in the exercise of his sound discretion, decide whether the premises are to be licensed.

(3)(a) Except as provided in paragraphs (b) and (c) of this subsection, no license for the sale of alcoholic beverages at retail shall be issued for any premises that are located [on the same street as, and] within two hundred (200) feet of, a building used *primarily* [exclusively] as a church or for class rooms of a school, if the governing authority of the church or school, within ten (10) days after receiving notice of the application for the license, files written protest with the state administrator against the issuance of the license. The measurement shall be taken [on the street on which the licensed premises are located,] in a straight line from the nearest outside wall of the building on the licensed premises to the nearest outside wall of the church or school building. Proof of the giving of notice to the governing authority of the church or school must be furnished to the state administrator before the license is issued.

(b) A hotel, drug store, private club or other retail licensee which or who has been bona fide in business as a licensee at a particular location for not less than one (1) year preceding the passage of Acts 1938, ch. 2, or the establishment of the church or school, may be issued a license by the administrator, in the exercise of his sound discretion, regardless of protest, even though the premises are within less than two hundred (200) feet of a building occupied *primarily* [exclusively] as a church or for class rooms of a school.

(c) In cities of the first, second or third class, the city administrator, with the approval of the state alcoholic beverage control board, may issue a regulation in such city requiring written permission by the governing authority of the church or school for the licensing of retail premises within two hundred (200) feet of the church or school building, in which case the state administrator may not issue the license without such permission, except under the circumstances set forth in paragraph (b) of this subsection.

Section 16. KRS 243.250 is amended to read as follows:

A distilled spirits and wine retail drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. Such a licensee shall purchase distilled spirits and wine only from licensed wholesalers and unless he also holds a retail package license he shall not buy or possess distilled spirits in containers of a capacity smaller than *seven hundred fifty (750) milliliters* [twenty (20) ounces], but wine may be bought in containers not smaller than *one hundred (100) milliliters* [six (6) ounces] if the wine does not exceed fourteen per cent (14%) alcohol by volume and the retail drink license is held by a restaurant or private club which receives a minimum of forty per cent (40%) of its income from the sale of food and has a minimum seating capacity of fifty (50) people at tables, and mixed drinks may be bought in containers of a capacity not smaller than *three hundred fifty-five (355) milliliters* [twelve (12) ounces], if the mixed drinks contain a substantial proportion of carbonated water. A retail drink license shall not authorize the sale of distilled spirits or wine by the package.

Section 17. KRS 243.300 is amended to read as follows:

(1) A distilled spirits and wine dining car license may be issued to any railroad or Pullman car company. It shall authorize the licensee to sell distilled spirits and wine by the package and by the drink only on a particular dining car designated in the license. In sales by the drink the licensee has the same privileges and is subject to the same restrictions as a retail drink licensee.

(2) A malt beverage dining car license may be issued to any railroad or Pullman car company. It shall authorize the licensee to exercise only on a particular dining car designated in the license, the privileges of a malt beverage retailer, subject to the same restrictions as a malt beverage retailer.

(3) Notwithstanding KRS chapter 242, a railroad system license issued under KRS 243.050 shall authorize the sale of alcoholic beverages at retail by the drink or by the package upon any train, that includes a dining car, operated by the licensee in the state; Provided sales are made only while the train is in motion. Notwithstanding any other law, holders of such licenses may retail alcoholic beverages in unbroken packages smaller than *two hundred (200) milliliters of distilled spirits and one hundred (100) milliliters of wine* [one-half (1/2) pint] and may purchase alcoholic beverages from nonresidents.

Section 18. KRS 243.500 is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 must be revoked or suspended for the following causes:

(1) Conviction of the licensee or his agent or employe for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two (2) consecutive years, *any licensee or any of his clerks, servants, agents or employes shall have been convicted of two (2) violations* [there shall have been two (2) or more convictions of any licensee or of any of his clerks, servants, agents or employes for any violations] of the terms and provisions of chapter 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employes shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one (1) such felony and one (1) such misdemeanor.

(5) Wilful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or acts of congress relative to taxation, or for a violation of any rules or regulations of the department of revenue made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any act of congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by federal or state regulations.

(7) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

(8) Conviction of the licensee, his agents, servants, or employes for:

(a) The sale or use upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances;

(b) Knowingly permitting the sale or use by patrons upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances.

Section 19. KRS 244.090 is amended to read as follows:

(1) No person holding any license under KRS 243.020 to 243.670 shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:

(a) Has been convicted of *any* [a] felony, [or of any] misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors, within the last two (2) years.

(b) Is under the age of twenty (20) years, except in a bottling house or room of a licensed distiller, vintner or brewer or rectifier and except in an office of a wholesaler or manufacturer maintained in a building separate from the warehouses or factory or as provided in KRS 244.087.

(c) Is not a citizen of the United States [or has not had an actual bona fide residence in this Commonwealth for at least one (1) year next before the date of his employment, provided the above residence requirement shall not apply to persons employed by distillers, brewers, operators of dining cars or transporters engaged in interstate commerce].

(d) Within two (2) years prior to the date of his employment, has had any license issued under KRS 243.020 to 243.670 or under any other act or ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause [, or has been convicted of a violation of any of the provisions of chapter 241, 243 or 244 or of any other such act or ordinance].

(2) Violation of this section shall subject both employer and employe to penalties provided in this chapter, and shall be cause for revocation of license.

Section 20. KRS 244.120 is amended to read as follows:

(1) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly [or allow criminals and people of ill repute to congregate on the premises].

(2) Acts which constitute disorderly premises consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:

(a) Engaging in fighting or in violent, tumultuous or threatening behavior; or

(b) Making unreasonable noise; or

(c) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or

(d) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.

Section 21. KRS 244.130 is amended to read as follows:

(1) Except in conformity with regulations of the board, no licensee under KRS 243.020 to 243.670 shall:

(a) Advertise or cause or permit to be advertised in any manner any product which he is licensed to manufacture or sell; nor

(b) Have or exhibit in a window any display of alcoholic beverages.

(2) Subsection (1) shall not prohibit*:*

(a) Advertising in newspapers, magazines or periodicals having a general circulation among regular paying subscribers or patrons*;*

(b) Promotional advertising on radio or television limited to factual descriptions of products the licensee is permitted to manufacture or sell;

(c) Promotional advertising containing the names of establishments or products displayed on uniforms or equipment of sporting teams.

Section 22. KRS 244.260 is amended to read as follows:

(1) No wholesaler shall purchase, import or keep upon the licensed premises or sell any distilled spirits or wine in any container except in the original sealed package containing quantities of not less than *two hundred (200) milliliters* [eight (8) ounces] each of distilled spirits or *one hundred (100) milliliters* [six (6) ounces] of wine, and not exceeding *1.75 liters* [one (1) quart] each of distilled spirits or *two hundred twenty (220) liters* [fifty-five (55) gallons] each of wine, as received from the distiller, rectifier, vintner or wholesaler, as the case may be. Such containers shall at all times have affixed to them such labels as may be required by the regulations of the board, together with all necessary federal revenue and state excise tax stamps.

(2) No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size, except that wine may be sold in barrels or kegs. "Case" as used in this section means a carton of containers aggregating not less than *six (6) liters* [two and four-tenths (2$TH4/10)] nor more than *twelve (12) liters of* [three (3)] wine [gallons].

Section 23. KRS 244.300 is amended to read as follows:

No retailer of distilled spirits and wine shall sell, deliver or give away, or cause, permit or procure to be sold, delivered or given away any distilled spirits or wine on credit, except that a bona fide private club or hotel holding a license may sell on reasonable credit to its members or registered guests*; provided, however, sales by retail drink when purchased with a meal at a restaurant which receives fifty percent (50%) or more of its gross annual income from the sale of food and has a minimum seating capacity of fifty (50) people at tables may be made by use of national or bank credit cards wherein the credit card company has agreed to payment to the licensee for such charges. However, nothing in this section shall be construed to authorize a licensee to issue his own credit cards or extend a personal credit to patrons.*

Section 24. KRS 244.310 is amended to read as follows:

(1) No licensee for sale of distilled spirits and wine by the drink, other than a railroad system licensee, shall keep upon the licensed premises any distilled spirits or wine in any container except in the original package containing quantities of not exceeding *1.75 liters* [one (1) quart] each of distilled spirits or *two hundred twenty (220) liters* [fifty-five (55) gallons] each of wine, and containing not less than *seven hundred fifty (750) milliliters* [twenty (20) ounces] each of distilled spirits, and not less than *one hundred (100) milliliters* [six (6) ounces] each of wine not exceeding fourteen per cent (14%) alcohol by volume, as received from the wholesaler, if the retail drink license is held by a restaurant or private club which receives a minimum of forty per cent (40%) of its income from the sale of food and has a minimum seating capacity of fifty (50) people at tables, except mixed drinks which contain a substantial proportion of carbonated water and which are sold by entire bottles containing not less than *three hundred fifty-five (355) milliliters* [twelve (12) ounces]. If the licensee also holds a retail package license, the containers may contain as little as *two hundred (200) milliliters* [eight (8) ounces] of distilled spirits and *one hundred (100) milliliters* [six (6) ounces] of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the board, together with all required federal revenue [and state excise] tax stamps.

Section 25. KRS 244.340 is amended to read as follows:

(1) No retailer of distilled spirits or wine by the package, other than a railroad system licensee, shall purchase, keep upon the licensed premises or sell any distilled spirits or wine by the package in any container except in the original sealed package containing quantities of not less than *two hundred (200) milliliters* [eight (8) ounces] of distilled spirits or *one hundred (100) milliliters* [six (6) ounces] of wine and not exceeding *1.75 liters* [one (1) quart] each of distilled spirits or *two hundred twenty (220) liters* [fifty-five (55) gallons] each of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the board, together with all required federal revenue [and state excise] tax stamps.

(3) No container shall be opened nor its contents consumed on the licensed premises unless the licensee also holds a retail drink license.

SECTION 26. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO READ AS FOLLOWS:

No brewer shall discriminate among wholesalers concerning prices charged for malt beverages.

SECTION 27. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO READ AS FOLLOWS:

(1) Every manufacturer, distiller, rectifier, blender, or vintner of distilled spirits or wine shall, before offering for sale to any licensed wholesaler in the Commonwealth of Kentucky any brand of distilled spirits or wine, file with the Board an affirmation of corporate policy with regard to sales of all brands owned, controlled, sold, offered for sale, franchised or distributed by such manufacturer, distiller, rectifier, blender, or vintner in the Commonwealth. The affirmation shall certify that the manufacturer, distiller, rectifier, blender or vintner shall not willfully sell or offer for sale any distilled spirits or wine of a particular brand, proof or size in any state in the United States or the District of Columbia at a price lower than the price such distilled spirits and wine are sold or offered for sale to licensed Kentucky wholesalers.

(2) In determining the lowest price for which any item of distilled spirits and wine was sold in any other state or in the District of Columbia, or to any state or state agency which owns and operates retail liquor stores, appropriate reductions shall be made to reflect all discounts, rebates, free goods, allowances and other inducements of any kind whatsoever offered or given to any such wholesaler or state or state agency, as the case may be, purchasing such item in such other state or in the District of Columbia; moreover nothing contained in this section shall prevent differentials in price which make allowance for differences in state taxes and fees, and in the actual cost of delivery. As used in this paragraph, the term "state taxes or fees" shall mean the excise taxes imposed or the fees required by any state or the District of Columbia upon or based upon the gallon of liquor.

(3) Quantity discount prices for distilled spirits and wine sold to wholesalers of other states or to the District of Columbia, and to states which own and operate retail liquor stores shall not be considered to be a violation of the manufacturer's, distiller's, rectifier's, blender's or vintner's affirmation if such discount prices are also offered to Kentucky wholesalers for purchases in the same quantities. To the extent any discounts, rebates, allowances or other inducements are of this Act, offered or given in any state of the United States or the District of Columbia and the effect thereof is to reduce the price of such item elsewhere below that at which it is being sold in the Commonwealth during the same period, then the licensee filing the affirmation statement shall list thereon discounts, rebates, allowances and other inducements per case and show to what extent that the price elsewhere for the same brand and size is less than the price at which the item is sold in the Commonwealth. The same discounts, rebates, allowances and other inducements shall be offered to wholesalers in the Commonwealth with respect to such item within a twelve (12) month period, including the month in which they are given elsewhere.

(4) Any person, firm or corporate official who makes a false statement in any affirmation filed hereunder shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both.

(5) Any manufacturer, distiller, rectifier, blender, or vintner, who fails to file such affirmation or willfully violates the pledges contained herein shall have its license to import and sell alcoholic beverages in the state suspended by the Board for a period not less than one (1) year.

(6) For the purpose of carrying out the provisions of this Act, each licensed manufacturer, distiller, rectifier, blender or vintner offering for sale to any licensed wholesaler in the Commonwealth of Kentucky any brand of distilled spirits or wine shall file the affirmation as provided by this section with the Board not later than sixty (60) days after passage of this Act, and thereafter shall file the same in accordance with the provisions of this section.

(7) The Board may make such regulations and investigations as it deems necessary for enforcing the provisions of this section.

Section 28. KRS 243.280 is amended to read as follows:

(1) A malt beverage retailer's license shall authorize the licensee to sell malt beverages at retail from the licensed premises only and to purchase malt beverages only from a brewer or distributor.

(2) After the effective date of this Act, no malt beverage retailer's license shall be issued to sell malt beverages at retail for any premises from which sixty percent (60%) of the annual gross revenues consist of selling at retail gasoline and lubricating oil or the servicing and repair of motor vehicles.

Amend printed copy of Senate Committee Substitute for **HB 1** on page 10, by deleting lines 16-19

and on page 14, lines 22 and 23, by deleting "*50,000 and also containing a city of the second class*" and inserting in lieu thereof "*40,000*"

and on page 25, line 9, by deleting "*such sales may be made by*"

and on page 25, by deleting lines 10-13

and on page 25, line 14, by deleting all words before "a bona"

and on page 25, line 16, after the word "guests" by adding: "*; provided, however, sales by retail drink when purchased with a meal at a restaurant which receives fifty percent (50%) or more of its gross annual income from the sale of food and has a minimum seating capacity of fifty (50) people at tables may be made by use of national or bank credit cards wherein the credit card company has agreed to payment to the licensee for such charges. However, nothing in this section shall be construed to authorize a licensee to issue his own credit cards or extend a personal credit to patrons.*"

and on page 16, line 22, by deleting "*shall* [" and by deleting the "]"

and on page 16, line 23, by deleting the " [" and the "]"

and on page 24, line 2, by deleting "*to factual descriptions of*" and inserting in lieu thereof "*to no more than the name of the licensee and the*"

Representative B. Richardson moved that **HB 1,** as amended, be passed.

On the roll call the vote was yeas 53-J. Allen, Bendl, Bennett, Benson, Blythe, Boatwright, Burch, Carpenter, Clarke, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermyer, Dunn, Gay, Gray, Guenthner, Haering, Head, Hines, Holbrook, Holloway, Isler, Kenton, Kidd, Kleier, LeMaster, Little, Mann, May, McBee, McKinney, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Thomas, Van Horn, Wilborn, Williams, Yates. Nays 27-W. Allen, Arnold, Blandford, Boswell, Brown, Crupper, Foster, Guy, Hancock, Johnson, Lindsay, List, McNutt, Patrick, Pearman, Plummer, Rattliff, P. Richardson, Riner, Robinson, Sale, Stone, Tobin, Weinberg, White, Worthington, Wright.

HB 1, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 1,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 549, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Dunn moved that the House concur in the following Senate Amendment to **HB 549:**

Amend printed copy of **HB 549** on page 1, line 10, by deleting " [" and "]"

and on page 1, lines 11 and 12 by deleting the following: "*and containing contiguous voting precinct boundaries*".

and on page 2, line 7, by deleting " ["

and on page 2, line 8, by deleting "]"

and on page 2, line 9, by deleting the entire line

and on page 2, line 10, by deleting " [" and "]"

and on page 3, line 24, by inserting the following after "(4)": "*In counties containing cities of the first class,*"

Agreed.

Representative B. Richardson moved that **HB 549,** as amended, be passed.

On the roll call the vote was yeas 75-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Brown, Burch, Carpenter, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dunn, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, May, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 549, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 549,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker announced the following appointments to the Conference Committee on **HB 80:** Representatives Bendl, Clarke, and Adams.

Speaker Pro Tempore Clapp presiding.

Representative B. Richardson moved that the vote on **HB 752,** as amended, be reconsidered. Agreed.

Representative Br. Richardson moved that **HB 752,** as amended, be passed.

On the roll call the vote was yeas 70-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brown, Burch, Carpenter, Clapp, Clarke, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Haering, Hancock, Head, Hines, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier,LeMaster, List, Mann, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Richards, B. Richardson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 11-Cyrus, Gray, Guenthner, Guy, Holbrook, Holloway, Lindsay, Patrick, Pearman, Rattliff, Riner.

HB 752, as amended, was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 752,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Speaker Kenton presiding.

The Speaker announced the following appointments to the Conference Committee on **SB 193:** Representative Stone, Blythe, and Kleier.

Representative B. Richardson moved that the rules be suspended to go to regular Orders of the Day. Agreed.

Regular Orders of the Day

Representative B. Richardson moved that **SB 41** be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

SB 41 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the following Floor Amendment No. 4 to **SB 41:**

Amend printed copy of **SB 41** on page 1, after line 1, by adding the following:

"Section 2. KRS 322.040 is amended to read as follows:

(1) Compliance with the requirements of any one of paragraphs (a), and (b) of this subsection shall qualify an applicant for a license as a professional engineer:

(a) Graduation from an engineering curriculum of four years or more in a school or college approved by ECPD as of satisfactory standing, and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the board. The record of experience shall indicate that the applicant is competent to practice engineering. In counting years of experience, the board may give credit, not in excess of one year, for satisfactory graduate study in engineering. The board shall require the applicant to successfully pass a written, or written and oral, examination.

(b) Successfully passing a written, or written and oral, examination designed to show knowledge and skill approximating that attained through graduation from an approved four-year engineering curriculum, and a specific record of eight years or more of experience in engineering work of a character satisfactory to the board. The record of experience shall indicate that the applicant is competent to practice engineering. Licensing under this paragraph shall cease effective July 1, *1983* [1980].

(2) Compliance with the requirements of any one of paragraphs (a), (b) or (c) of this subsection shall qualify an applicant for a license as a land surveyor:

(a) Any person holding a certificate of registration to engage in the practice of land surveying issued to him by the proper authorities of any state, territory, possession of the United States, District of Columbia, or any foreign country, based upon requirements and qualifications appearing in his application, which, in the opinion of the board, are equal to, or higher than, the requirements required to obtain a license in this state, may be registered and licensed to practice land surveying in this state.

(b) Any graduate from an accredited engineering or surveying curriculum of not less than four years, at an institution approved by the board, followed by not less than four years of land surveying experience under the direct supervision of a regularly licensed and registered land surveyor, and who shall pass a written examination, to be formulated by the board, designed to demonstrate that he is qualified to practice land surveying, shall be granted a license and registered as a land surveyor.

(c) Any person possessing eight or more years of active experience in the practice of land surveying under the direct supervision of a licensed and registered land surveyor, and who shall pass a written examination, to be formulated by the board, designed to show that he is qualified to practice land surveying, shall be licensed and registered as a land surveyor.

(3) In the consideration of the qualifications of applicants, engineering teaching may be construed as engineering experience.

(4) The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience required by paragraph (b) of subsection (1). Graduation in a curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two years of experience required by paragraph (b) of subsection (1), but no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

(5) The mere execution as a contractor of work designed by an engineer or the supervision of the construction of such work as a foreman or superintendent shall not be considered practice in engineering.

(6) Any person having the necessary qualifications prescribed in subsection (1) of this section shall be eligible for a license although he may not be practicing his profession at the time of making his application.

Agreed.

Representative Hines moved the adoption of the following Floor Amendment No. 3 to **SB 41:**

Amend printed copy of **SB 41** on page 1, by adding after the last line the following:

"A NEW SECTION OF KRS 164 IS CREATED TO READ AS FOLLOWS:

Any university under the jurisdiction of the council of higher education "may" have a faculty member as a voting member of its board of trustees or regents."

Agreed.

Representative Dawahare moved the adoption of the following Floor Amendment No. 2 to **SB 41:**

Amend printed copy of **SB 41** on page 1, by adding after the last line the following:

"SECTION . A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) The boards of trustees of the state colleges and universities offering degree programs in medicine, dentistry or law shall allocate seventy percent (70%) of the enrollment positions for the entering class each year, equally among each of the Kentucky congressional districts, using the population of each congressional district as determined by the last decennial federal census to determine that district's proportion of the positions, and shall assign these apportioned enrollment positions for each district to those applicants who are legal residents in that congressional district.

(2) Fifteen percent (15%) of the remaining positions shall be allocated to the state at-large and assigned to applicants who are legal residents at any place within the state of Kentucky.

(3) Any qualified legal resident shall have a preference in securing an assignment to a position when compared to a nonresident.

(4) The total number of nonresidents assigned positions shall not exceed fifteen percent (15%) of the total entering class enrollment positions assigned for any school year.

(5) The selection of entering class medical, dental or law students shall be accomplished competitively with due consideration being given scholastic standings, recommendations of the pre-professional advisory committees of the various schools where the applicants pursue the pre-professional academic program, and their performance on any required admission test, and any other procedures that deal fairly with the applicant group as a whole."

On the roll call the vote was yeas 40-W. Allen, Bennett, Brown, Bruce, Burnett, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Fitzgerald, Gray, Gray, Guenthner, Haering, Holbrook, Hurst, Johnson, Kenton, Kidd, Layman, Little, Marcum, May, McKinney, Noe, Overstreet, Patrick, Pearman, Plummer, Rattliff, R. Smith, Stewart, Stone, Thomas, Van Horn, White, Wright, Yates. Nays 40-Adams, Bendl, Benson, Beshear, Blandford, Boswell, Burch, Carpenter, Clapp, Clarke, Davenport, Dietz, Donnermeyer, Dunn, Foster, Guy, Hines, Isler, Kleier, LeMaster, List, Mann, Maynard, McBee, McNutt, Nett, O'Brien, Petty, Priddy, Richards, B. Richardson, Riner, Sale, Schmidt, Siemens, F. Smith, Tobin, Trevey, Wells, Wilborn.

Floor Amendment No. 2 to **SB 41** was rejected.

Representative Richards moved that **SB 41,** as amended, be passed.

On the roll call the vote was yeas 65-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burch, Clapp, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Head, Hines, Holbrook, Isler, Kenton, Kleier, Layman, Lindsay, Mann, May, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Priddy, Richards, B. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Wright, Yates. Nays 5-J. Allen, Bruce, Hancock, List, Pearman.

SB 41, as amended, was passed.

Representative Richards moved the adoption of the following Title No. 3 Amendment to **SB 41:**

Amend printed copy of **SB 41** on page 1, by amending the title to read as follows:

"AN ACT relating to education."

Agreed.

Representative B. Richardson moved that the vote by which **SB 41,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker announced the appointment of Representative Morris to replace Representative Bruce on the Conference Committee on **SB 328.**

Senate Message

SB 281, Senate refused to concur in House Floor Amendment No. 1; **HB 137** returned with letter stating that Senate had receded from Amendment.

SB 173 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved the adoption of the following Floor Amendment NO. 8 to **SB 173:**

Amend printed copy of **SB 173** on page 1, by striking everything after the enacting clause and substituting in lieu thereof:

"Section 1. KRS 81.160 is amended to readas follows:
(1) Whenever a second-class city desires to annex any city of the second, third or fourth class, the legislative body of the city proposing to annex shall pass an ordinance or resolution designating the city proposed to be annexed, declaring it desirable to annex the city and providing that the question of annexation shall be submitted to the qualified voters of the city to be annexed at the next regular election. The mayor of the city proposing to annex shall certify the action of the city to the county clerk, who shall have printed on the ballots provided for use in the city proposed to be annexed, the question: "Are you in favor of annexing to the City of ...."? Opposite the question shall be printed "Yes" and "No," with squares for stamping the cross mark to indicate preference. If a majority of those voting on the proposition favor annexation, the city proposing to annex shall pass an ordinance declaring the other city annexed, and that city shall then be a part of the annexing city.

(2) The provisions of subsection one (1) shall also apply in those cases where the city to be annexed was incorporated and became classified as a city of the second, third or fourth class by the legislature prior to January 1, 1978, even if the city was so classified after the institution of annexation proceedings, provided that, the final annexation ordinance has not been adopted by the effective date of this Act."

Agreed.

Representative B. Richardson moved that **SB 173,** as amended, be passed.

On the roll call the vote was yeas 56-Adams, Arnold, Bennett, Blandford, Boatwright, Brown, Bruce, Burch, Burnett, Clapp, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Holbrook, Isler, Johnson, Jones, Kenton, List, Little, Mann, May, Maynard, McBee, McKinney, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Thomas, Trevey, Van Horn, Weinberg, Wells, White, Wright, Yates. Nays 26-

Bendl, Benson, Beshear, Blythe, Boswell, Clarke, Fitzgerald, Guenthner, Hancock, Head, Hines, Holloway, Hurst, Imes, Kidd, Layman, LeMaster, Lindsay, McNutt, Nett, Noe, O'Brien, Patrick, Richards, Tobin, Wilborn.

SB 173, as amended, was passed and the title agreed.

Representative B. Richardson moved that the vote by which **SB 173,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

SB 187 returned with letter requesting that House recede from Amendments; **HB 36** returned with letter stating Senate has concurred in the Free Conference Committee Report.

Regular Orders of the Day (continued)

Representative B. Richardson moved that **SB 171** be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

Representative B. Richardson moved that **SB 171** be placed upon its passage. Agreed.

Representative Yates moved the adoption of the following Floor Amendment No. 2 to **SB 171:**

Amend printed copy of **SB 171** on page 2, by adding the following after line 2:

"Section 3. KRS 67.050 is amended to read as follows:

(1) Any county may have a fiscal court consisting of the county judge/executive and three (3) commissioners elected from the county at large. To ascertain whether the county desires to have county commissioners, the county judge/executive, upon an application by written petition signed by one hundred (100) legal voters of the county, shall enter an order on his order book calling an election to submit to the legal voters of the county the following question: "Are you for or against having a fiscal court composed of three (3) commissioners and the county judge/executive of the county court?" The order shall be entered at the next regular term after the petition is filed, and shall direct the election to be held at the next regular election to be held in the county that does not occur within less than sixty (60) days from the filing of the petition. The county clerk shall give to the sheriff or other officer appointed to hold the election a certified copy of the order within five (5) days after the order is made, and the sheriff or other officer shall have the order published pursuant to KRS chapter 424 and in addition advertise it by printed handbills posted at one or more conspicuous places in each precinct in the county for the length of time that publication is required, stating when the election will be held and the purpose thereof.

(2) All such elections shall be held under the general election laws. No such election shall be held in any county oftener than once in four (4) years.

(3) Any county that has voted in favor of having county commissioners may return to its prior form of government by following the same procedures as provided in subsections (1) and (2) of this section, by which it chose to have county commissioners. *A petition for an election on a return to a fiscal court composed of justices of the peace and the county judge/executive shall state a proposed number of justices of the peace. The question to be submitted to the voters shall be in the following form: "Are you in favor of a return to a fiscal court composed of the county judge/executive and (insert the proposed number of justices) justices of the peace who shall represent specific districts within the county?"*

(4) If a majority of the votes cast at an election held under subsection (3) of this section are in favor of a return to a fiscal court composed of justices of the peace and the county judge/executive, the county judge/executive shall, if necessary, initiate proceedings to reapportion the justices districts. The change in the composition of the fiscal court shall become effective upon the assumption of office of justices of the peace elected at the regular election for that office.

Section 4. KRS 67.060 is amended to read as follows:

(1) If a majority of the votes cast at an election held under KRS 67.050 are in favor of the fiscal court

being composed of the county judge/executive and three (3) commissioners, the county judge/executive shall, before the next regular election for county officers, divide the county into three (3) districts as nearly equal in population as practicable, and shall establish the boundary lines of each of the three (3) commissioner districts so that each district is an unbroken area and not split or divided by another commissioner district. At the next regular election for county officers, and every four (4) years thereafter, there shall be elected by the voters of the entire county three (3) commissioners, one (1) from each district who, with the county judge/executive, shall constitute the fiscal court.

(2)(a) In any county containing a city of the first class, which county has heretofore voted in favor of a fiscal court composed of the county judge/executive and three (3) county commissioners, the county judge/executive shall divide the county into three (3) districts as provided in subsection (1), the districts to be designated for identification purposes by the letters A, B and C, respectively.

(b) The three commissioners shall be elected by the qualified voters of the county at large at regular elections held every four years. One commissioner shall represent District A and shall be elected at the regular election in the year 1973, and two commissioners who shall represent Districts B and C, respectively, shall be elected at the regular election in the year 1975.

(3) Persons seeking the nomination of a political party as candidate for the office of county commissioner shall, where a primary election is required for such political party, be voted upon exclusively by the eligible voters of the district in which the person resides and seeks to represent. Persons seeking the nomination of a minor political party, persons who file as independent candidates or persons seeking the nomination in counties containing cities of the second class shall not be subject to the provisions of this paragraph. They shall be nominated by the voters of the entire county.

(4) To be eligible for election as a commissioner representing one of the three districts, a person shall have been a bona fide resident of the district he proposes to represent for at least one year immediately preceding the election, and, upon election, shall continue to reside within the district he was elected to represent for the duration of his term of office, under penalty of forfeiture of the office.

(5) Commissioners elected under this section shall take the oath of office and enter upon the discharge of their duties on the first Monday in January after their election, and shall serve for terms of four (4) years and until their successors are elected and qualify, *or until the effective date of a return to a fiscal court composed of justices of the peace and the county judge/executive.*

(6) No person is eligible to be a county commissioner unless he is at least twenty-four (24) years of age and has been for two (2) years next preceding his election a resident of the county and a citizen of Kentucky.

SECTION 5. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

(1) In counties containing a city of the first class boundaries of justices' districts shall be drawn by the county judge/executive and fiscal court so that the population of each district shall be as nearly equal as is reasonably possible.

(2) To initiate a reapportionment proceeding, the county judge/executive shall furnish the fiscal court with written notice of the need to reapportion jutices' districts and shall publish notice of the planned reapportionment in accordance with KRS Chapter 424. Said reapportionment to be completed within 120 days after the referendum.

(3) The county judge/executive and fiscal court shall, within sixty (60) days of receipt of the written notice, lay off the boundary lines of the districts. A written report, showing the boundary of each district and the estimated population in each shall be filed with the county clerk. Not later than twenty (20) days after the filing of the report, any citizen of the county may filed exceptions, and the circuit court shall fix a day not later than ten (10) days after the filing of exceptions for the trial thereof. On the trial the court shall dispose of the exceptions and, by order entered of record, establish the boundaries of the districts.

(4) Precinct lines shall be redrawn when necessary in accordance with the provisions of KRS 117.055.

(5) Any reapportionment made in accordance with the provisions of this Act shall be certified by the county judge/executive to the county clerk.

SECTION 6. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

In counties containing a city of the first class where the fiscal court is composed of justices of the peace and the county judge/executive, the county shall be divided into eight (8) justices' districts and the justice elected from each district shall be entitled a magistrate/representative."

The Chair ruled Floor Amendment No. 2 to **SB 171** not germane.

Representative Yates and Priddy appealed the ruling of the Chair.

Speaker Pro Tempore Clapp presiding.

On the roll call the vote was yeas 31-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Brinkley, Bruce, Clapp, Clarke, Davenport, Deskins, Dunn, Fitzgerald, Hancock, Hines, Kenton, Kleier, Little, Maynard, Morris, Nett, O'Brien, Richards, B. Richardson, P. Richardson, Sale, Siemens, Thomas, Tobin, Van Horn. Nays 28-W. Allen, Blandford, Blythe, Boatwright, Boswell, Burch, Burnette, Cyrus, Dawahare, Gay,Gray, Haering, Holbrook, Holloway, Hurst, Layman, Marcum, McKinney, Overstreet, Patrick, Pearman, Priddy, Rattliff, Riner, Robinson, White, Wright, Yates.

The ruling of the Chair was sustained.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 171.** Agreed.

Representative B. Richardson moved that **SB 171,** as amended, be passed.

On the roll call the vote was yeas 50-Adams, J. Allen, Bendl, Bennett, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Clarke, Cyrus, Davenport, Deskins, Dunn, Fitzgerald, Foster, Gray, Hines, Holbrook, Hurst, Kenton, Kidd, Kleier, List, Little, May, McKinney, Nett, Noe, O'Brien, Overstreet, Patrick, Priddy, Richards, B. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Weinberg, White, Wilborn, Yates. Nays 5-Benson, Hancock, McNutt, Pearman, Tobin.

SB 171, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 171,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Speaker Kenton presiding.

SB 314, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to **SB 314.** Agreed.

Representative B. Richardson moved that **SB 314,** as amended, be passed.

On the roll call the vote was yeas 46-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burnette, Clapp, Clarke, Cyrus, Davenport, Deskins, Dunn, Fitzgerald, Gray, Haering, Hancock, Hines, Johnson, Kenton, Kidd, LeMaster, List, Marcum, McNutt, Nett, Noe, O'Brien, Patrick, Rattliff, Richards, B. Richardson, Robinson, Sale, F. Smith, R. Smith, Tobin, Van Horn, Wilborn, Wright. Nays 11-Foster, Guenthner, Head, Holbrook, Hollloway, Layman, Pearman, P. Richardson, Riner, Weinberg, White.

SB 314, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote on passage of **SB 314,** as amended, be reconsidered. Agreed.

Representative B. Richardson moved that the vote on Committee Amendment No. 1 to **SB 314** be reconsidered.

On the roll call the vote was yeas 25-Adams, Bennett, Boatwright, Brinkley, Bruce, Burnette, Clapp, Davenport, Dawahare, Deskins, Dunn, Foster, Haering, Head, Kenton, Layman, Little, Marcum, Morris, O'Brien, Richards, Sale, Wells, White, Wright. Nays 33-W. Allen, Benson, Beshear, Blandford, Blythe, Boswell, Clarke, Cyrus, Fitzgerald, Gray, Guenthner, Hancock, Holbrook, Hurst, Kleier, List, Mann, McNutt, Nett, Noe, Overstreet, Pearman, Rattliff, Riner, Robinson, Romines, Siemens, Stone, Thomas, Tobin, Trevey, Van Horn, Wilborn.

The motion that the vote on Committee Amendment No. 1 to **SB 314** be reconsidered was rejected.

Representative B. Richardson moved that **SB 314** be sent to the Committee on Judiciary-Statutes.

On the roll call the vote was yeas 29-Adams, Bendl, Bennett, Brinkley, Bruce, Carpenter, Clapp, Deskins, Dunn, Foster, Hancock, Hines, Jones, Kenton, LeMaster, List, Little, Marcum, McKinney, Morris, O'Brien, B. Richardson, P. Richardson, Riner, Romines, Sale, Stone, Van Horn, Wells. Nays 34-W. Allen, Arnold, Beshear, Blandford, Boatwright, Burnette, Clarke, Cyrus, Davenport, Dawahare, Fitzgerald, Gray, Haering, Head, Holbrook, Hurst, Kleier, McNutt, Nett, Noe, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, Siemens, F. Smith, Tobin, Trevey, Wilborn, Wright.

The motion that **SB 314** be sent to the Committee on Judiciary-Statutes was rejected.

Representative B. Richardson moved that **SB 314,** as amended, be passed.

On the roll call the vote was yeas 52-W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Burnette, Carpenter, Clarke, Cyrus, Davenport, Dawahare, Deskins, Dunn, Fitzgerald, Gray, Haering, Head, Holbrook, Holloway, Hurst, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Marcum, McNutt, Nett, O'Brien, Pearman, Rattliff, Richards, Romines, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Wilborn, Wright. Nays 9-Bruce, Foster, Hancock, Layman, McKinney, Morris, P. Richardson, Riner, Van Horn.

SB 314 was passed.

Representative Tobin moved the adoption of the Committee Title Amendment to **SB 314.** Agreed.

Representative Tobin moved that the vote by which **SB 314,** as amened, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SCR 46 taken from Orders of the Day and ordered read at length for the third time. Represntative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 55-Adams, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burnette, Carpenter, Clapp, Clarke, Cyrus, Davenport, Dawahare, Deskins, Dunn, Fitzgerald, Foster, Gay, Gray, Hancock, Hines, Holbrook, Holloway, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Marcum, May, McNutt, Morris, Noe, O'Brien, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, F. Smith, Stewart, Stone, Tobon, Van Horn, Weinberg, Wilborn. Nays 3-Overstreet, Patrick, Pearman.

SCR 46 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SCR 46** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 128 taken from Orders of the Day. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved the adoption of **HR 128.**

On the roll call the vote was yeas 25-Arnold, Bennett, Benson, Blythe, Boatwright, Carpenter, Clapp, Cyrus, Deskins, Dunn, Gray, Hancock, Holbrook, Jones, Kenton, Little, Pearman, Priddy, B. Richardson, P. Richardson, Riner, Sale, Tobin, Trevey, Yates. Nays 17-Adams, Davenport, Fitzgerald, Foster, Gay, Head, Hines, Imes, Layman, List, McKinney, Nett, Overstreet, Patrick, Plummer, Rattliff, Van Horn.

HR 128 was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **HR 128** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the rules be suspended to take **HR 127** from the Committee on Rules and place in Orders of the Day. Agreed.

HR 127 taken from the Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bennett moved the adoption of **HR 127.**

On the roll call the vote was yeas 32-J. Allen, Bendl, Bennett, Beshear, Boatwright, Boswell, Brinkley, Clapp, Cyrus, Davenport, Dunn, Gray, Guy, Hancock, Hines, Johnson, Kenton, Little, McKinney, Noe, O'Brien, Pearman, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Thomas, Van Horn, Wright. Nays 11-Foster, Haering, Head, Holbrook, Holloway, Jones, List, Marcum, Patrick, Plummer, Rattliff.

HR 127 was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **HR 127** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

Representative Imes, Chairman of the Conference Committee on **SB 299,** requested a Free Conference Committee. The same members of the House appointed to the Conference Committee on **SB 299** remained as members of the Free Conference Committee.

Senate Message

HB 98, HB 99 returned with letters stating Senate has concurred in Conference Committee Reports.

HB 46 returned with letter stating Senate has concurred in Free Conference Committee Report.

HB 519 returned with letter stating Senate has receded from its Amendment.

Orders of the Day (continued)

Representative Imes moved adoption of the following Free Conference Committee Report on **SB 299:**

The free conference committee has met as provided in the rules of the House and the Senate and hereby reports the following:

1. Amend Amendment No. 1 of the House:

on line 18, by deleting "*$250*" and inserting in lieu thereof "*$325*"; and

on line 19, by deleting "*$300*" and inserting in lieu thereof "*$375*"

and on line 20, by deleting "*$350*" and inserting in lieu thereof "*$450*".

2. Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report. (Endorsed by Representatives Imes, Worthington and Gay; Senators O'Daniel, McCuiston, and Stamper.)

On the roll call the vote was yeas 59-J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Boswell, Brinkley, Burnette, Carpenter, Clapp, Clarke, DeMarcus, Dietz, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kenton, Kidd, LeMaster, Marcum, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, F. Smith, Stewart, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, Wilborn, Wright, Yates. Nays 0.

The Free Conference Committee Report on **SB 299** was adopted.

Representative B. Richardson moved that the vote by which the Free Conference Committee Report was adopted on **SB 299** be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Bendl, Chairman of the Conference Committee on **HB 80,** requested a Free Conference Committee. The same members of the House appointed to the Conference Committee on **HB 80** remained as members of the Free Conference Committee.

Representative Isler moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Isler requested that he be recorded as voting in the following manner: **SCR 46,** "yea"; **SB 314,** "yea"; **SB 171,** "yea". Agreed.

Representative Stone moved that he be recorded as voting "nay" on **SB 317.** Agreed.

Recess

Representative B. Richardson moved that the House recess until 7:15 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

Representative B. Richardson moved that **HB 98,** as amended by the Conference Report, be placed upon its passage. Agreed.

On the roll call the vote was yeas 58-J. Allen, Bendl, Bennett, Benson, Beshear, Brinkley, Brown, Carpenter, Clapp, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Hines, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, Marcum, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Petty, Richards, B. Richardson, P. Richardson, F. Smith, Stone, Tobin, Trevey, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 6-Burnette, Holbrooke, Pearman, Plummer, Priddy, Riner.

HB 98, as amended by Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 98,** as amended by Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **HB 99,** as amended by Conference Committee Report, be placed upon its passage. Agreed.

On the roll call the vote was yeas 70-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Hancock, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kidd, Kleier, LeMaster, Lindsay, Little, Mann, Marcum, McBee, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, Tobin, Trevey, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 99, as amended by Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 99,** as amended by Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

SB 72 returned with letter requesting that House recede from Amendments.

Orders of the Day (continued)

Representative McBee, Chairman of the Conference Committee on **SB 114,** requested a Free Conference Committee. The same members of the House appointed to the Conference Committee on **SB 114** remained as members of the Free Conference Committee.

Representative Brinkley moved the adoption of the following Conference Committee Report on **SB 328:**

The members of the Conference Committee having met to consider Senate Bill 328 have agreed to recommend that House amendment No. 1 be amended in subsection (4) by deleting the words, "console compartment, or similar receptacle". (Endorsed by Senators Friend, Baker and Martin; Representatives Brinkley and Marcum.)

Agreed.

Representative B. Richardson moved that **SB 328,** as amended by the Conference Committee Report, be passed.

On the roll call the vote was yeas 62-Arnold, Bendl, Bennett, Benson, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Cyrus, Dawahare, DeFalaise, Deskins, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, Marcum, May, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Priddy, Richards, B. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, Trevey, Van Horn, Weinberg, Wells, Wright, Yates. Nays 4-Crupper, Hancock, P. Richardson, Wilborn.

SB 328, as amended by the Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 328,** as amended by Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Clapp reported that the Conference Committee on **HB 102** did not agree and did not feel a Free Conference Committee could accomplish agreement.

Representative Clapp moved the adoption of the Conference Committee Report on **HB 102.**

On the roll call the vote was yeas 35-Adams, Bendl, Bennett, Boatwright, Boswell, Bruce, Burnette, Clap, DeMarcus, Donnermeyer, Dunn, Foster, Gray, Guy, Holbrook, Holloway, Imes, Kenton, Kidd, LeMaster, Lindsay, List, McNutt, Morris, Nett, O'Brien, Priddy, Richards, B. Richardson, Romines, Tobin, Van Horn, Wells, Wilborn, Yates. Nays 42-Arnold, Benson, Beshear, Blythe, Brinkley, Brown, Carpenter, Clarke, Crupper, Cyrus, Dawahare, DeFalaise, Deskins, Fitzgerald, Haering, Hancock, Head, Hurst, Isler, Johnson, Jones, Kleier, Layman, Little, Mann, Marcum, May, McBee, McKinney, Noe, Pearman, Petty, Plummer, Riner, Robinson, Schmidt, Siemens, F. Smith, Stone, Weinberg, Worthington, Wright.

The motion that the Conference Committee Report on **HB 102** be adopted was rejected.

Representative Weinberg moved that a new Conference Committee be appointed on **HB 102.**

Representative Weinberg moved that the vote on the Senate Amendment to **HB 102** be reconsidered.

Representative Lindsay moved that a new Conference Committee be appointed on **HB 102.** Agreed.

Representative B. Richardson stated no report was available on **HB 36.**

Representative Beshear reported there was no Conference Report on **HB 137,** since the Senate receded from its Amendment.

Representative Stone moved the adoption of the following Conference Committee Report on **SB 193:**

The conference committee has met as provided in the rules of the House and the Senate and hereby reports the following:

The conference committee at the request of Representative Bruce Blythe recommends that the House does recede from its amendment to Senate Bill 193. (Endorsed by Senators Gibson, Weisenberger and Wright; Representatives Stone and Kleier.)

Agreed.

Representative Stone moved that **SB 193,** as amended by the Conference Committee Report, be passed.

On the roll call the vote was yeas 56-J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brown, Bruce, Carpenter, Clapp, Clarke, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Imes, Isler, Johnson, Kenton, Kleier, LeMaster, Little, Mann, McBee, McKinney, McNutt, Morris, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Romines, Siemens, F. Smith, Stone, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 21-Brinkley, Burnette, Crupper, Cyrus, DeMarcus, Fitzgerald, Gray, Holbrook, Hurst, Jones, Layman, Lindsay, List, Marcum, May, Pearman, Plummer, P. Richardson, Riner, Robinson, Van Horn.

SB 193, as amended by the Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 193,** as amended by the Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

HB 80 returned with letter stating that Senate has concurred in Free Conference Committee Report; **HB 393** returned with letter stating that Senate has concurred in Free Conference Committee Report; **SB 261** returned with letter requesting House to recede from Amendment; **SB 328** returned with letter stating Senate has concurred in Conference Committee Report.

Orders of the Day (continued)

Representative Fitzgerald moved that the House concur in the following Free Conference Committee Report on **HB 46:**

The free conference committee have met as provided in the rules of the House and the Senate and hereby reports the following:

1. Amend Amendment No. 1 of the Senate to delete reference to "page 3, line 8," and to insert in lieu thereof on "page 7, between lines 17 and 18 "Filing forcible detainer actions——— $10.00.

2. Amend Amendment No. 3 of the Senate to delete the word "escrow".

3. Amend the bill on page 8, below line 25, to add the provisions of the General Assembly Copy of House Bill 714, with Senate Amendment No. 1 attached thereto.

4. Amend the title to read "AN ACT relating to the Court of Justice".

5. Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report. (Endorsed by Senators Moloney, Karem and Ackerson; Representatives Fitzgerald, LeMaster and Van Horn.)

Agreed.

Representative Fitzgerald moved that **HB 46,** as amended by Free Conference Committee Report, be passed.

On the roll call the vote was yeas 69-J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Bruce, Burnette, Carpenter, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McKinney, McNutt, Morris, Nett, O'Brien, Petty, Plummer, Priddy, Richards, B. Richardson, Romines, Schmidt, Siemens, Trevey, Van Horn, Weinberg, Wells, Wilborn, Wright, Yates. Nays 3-Layman, Pearman, Riner.

HB 46, as amended by Free Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 46,** as amended by Free Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Blythe moved that the rules be suspended for the purpose of recording vote. Agreed.

Representative Blythe moved that he be recorded as voting "yea" on **HB 515.** Agreed.

Representative Blythe moved that his name be added as a co-sponsor **HB 515.** Agreed.

Representative Bendl moved the adoption of the following Free Conference Committee Report on **HB 80:**

The free conference committee has met as provided in the rules of the House and the Senate and hereby reports the following:

The Senate agreed to recede from the amendment to **HB 80.** (Endorsed by Senators Huff, Sheehan and Quinlan; Representatives Bendl, Clarke and Adams.)

Agreed.

Representative Bendl moved that **HB 80,** as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was yeas 65-Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Bruce, Carpenter, Clapp, Clarke, Cyrus, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, McNutt, Morris, Nett, Noe, O'Brien, Petty, Plummer, Priddy, Richards, B. Richardson, Riner, Romines, Schmidt, Siemens, F. Smith, Stone, Trevey, Weinberg, Wells, Wilborn, Wright, Yates. Nays 7-Davenport, Deskins, Fitzgerald, Pearman, P. Richardson, Van Horn, Worthington.

HB 80, as amended by Free Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 80,** as amended by Free Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House refuse to recede from Amendment to **SB 281.** Agreed.

Representative B. Richardson moved that the House refuse to recede from Amendment to **SB 187.** Agreed.

Representative B. Richardson moved that the House recede from Amendment to **SB 72.** Rejected.

Representative Kidd moved the adoption of the following Free Conference Committee Report on **HB 36:**

The free conference committee has met as provided in the rules of the House and the Senate and hereby reports the following:

1. Amend Amendment No. 2 of Senate by deleting after the word Commonwealth "or operated under the provisions of the Federal Credit Union Act." and insert in lieu thereof "*and located in the capital city of the Commonwealth of Kentucky and operated solely for the benefit of the employes of the Commonwealth of Kentucky.*"

2. Direct the clerk, on enrollment, to make appropriate changes to conform with this report. (Endorsed by Senators Miller, McCuiston and Rogers; Representatives Kidd, Petty and P. Richardson.)

Agreed.

Representative B. Richardson moved that **HB 36,** as amended by Free Conference Committee Report, be passed.

On the roll call the vote was yeas 58-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Behsear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Carpenter, Clarke, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Dunn, Fitzgerald, Foster, Gray, Haering, Hancock, Head, Hines, Holbrook,Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Little, McKinney, Morris, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Richards, P. Richardson, Riner, Romines, Siemens, F. Smith, R. Smith, Stone, Van Horn, Wells, Yates. Nays 11-Brown, Crupper, Davenport, Guy, Lindsay, List, Marcum, Plummer, B. Richardson, Trevey, Wilborn.

HB 36, as amended by Free Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 36,** as amended by Free Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Boswell moved the adoption of the following Free Conference Committee report on **HB 101:**

The Free Conference Committee on **HB 101,** SCS, agreed to: on page 5, lines 4 through 11, delete the lines in their entirety, and insert in lieu thereof, "Paramedics shall be permitted to render services only in emergency situations, and shall perform such services under supervision of a qualified and licensed health practitioner." (Endorsed by Senators Rose, Stamper and Stuart; Representatives Boswell, Holbrook and Clapp.)

Agreed.

Representative Boswell moved that **HB 101,** as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was yeas 70-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Bruce, Carpenter, Clapp, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Marcum, May, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Siemens, F. Smith, Stewart, Stone, Trevey, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 101, as amended by Free Conference Committee Report, was passed and the title agreed to.

Representative Boswell moved that the vote by which **HB 101,** as amended by the Free Conference Committee Report, be reconsidered and said motion be postponed indefinitely. Agreed.

Representative McBee moved the adoption of the following Free Conference Committee Report on **HB 393:**

The free conference committee has met as provided in the rules of the House and the Senate and hereby reports the following:

1. Amend Amendment No. 1 of the Senate to delete reference on page 1, line 1.

2. Amend Amendment No. 1 of the Senate to delete reference on page 1, line 11.

3. Amend Amendment No. 1 of the Senate to delete reference on page 1, line 14.

4. Amend Amendment No. 1 of the Senate to delete reference on page 1, line 18.

5. Amend Amendment No. 1 of the Senate to delete reference on page 1, line 21.

6. Amend Amendment No. 1 of the Senate by adding on page 1, line 14 by deleting the brackets around "and".

7. Amend Amendment No. 2 of the Senate on page 3, line 11, after the word "may" and before the word "credit" by inserting the words "*, upon agreement between the county and the city,*". After the word "fee" and before the word "if" by inserting a "." and by deleting all remaining material in the amendment.

8. Senate Amendment No. 3 was adopted.

(Endorsed by Senators Johnson, Sheehan and Middleton; Representatives McBee, Donnermeyer and Dietz.)

Agreed.

Representative B. Richardson moved that **HB 393**, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was yeas 60-Adams, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boswell, Brinkley, Carpenter, Clapp, Clarke, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holloway, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Little, Mann, May, McBee, McKinney, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Siemens, F. Smith, Stewart, Stone, Thomas, Weinberg, Wells, Worthington, Wright, Yates. Nays 15-Guenthner, Holbrook, Imes, Jones, Layman, List, Marcum, Morris, Pearman, Plummer, Riner, Robinson, Trevey, Van Horn, Wilborn.

HB 393, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 393**, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Tobin reported that the Conference Committee on **HB 760** did not meet. Senate receded in Amendment.

Representative B. Richardson moved that the vote on **SB 224** be reconsidered. Agreed.

Representative B. Richardson moved that the House refuse to recede in Amendment to **SB 224**. Agreed.

Representative B. Richardson moved that the rules be suspended to place **SB 266** and **SB 251** in Regular Orders of the Day. Agreed.

Representative B. Richardson moved that the House go to Regular Orders of the Day. Agreed.

Regular Orders of the Day

SB 251 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved that the rules be suspended to withdraw floor amendments from **SB 251**. Agreed.

Representative DeFalaise moved that Floor Amendments No. 1 and 2 be withdrawn. Agreed.

Representative Mann moved that **SB 251** be passed.

On the roll call the vote was yeas 45-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Boswell, Carpenter, Clapp, Clarke, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Hancock, Head, Isler, Kenton, Kidd, Kleier, Mann, McBee, Nett, Noe, O'Brien, Pearman, Petty, Richards, B. Richardson, Schmidt, Siemens, F. Smith, Stewart, Stone, Trevey, Van Horn, Wells, Yates. Nays 23-Blythe, Bruce, Burnette, Guenthner, Haering, Holbrook, Holloway, Imes, Jones, Layman, Lindsay, Little, Marcum, McKinney, McNutt, Priddy, P. Richardson, Riner, Robinson, Romines, Wilborn, Worthington, Wright.

SB 251 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 251** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 266 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 53-J. Allen, Arnold, Bennett, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Head, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kenton, Kleier, LeMaster, List, Little, Mann, Marcum, McBee, McNutt, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Romines, Schmidt, Siemens, F. Smith, Stewart, Van Horn, Wells. Nays 13-Adams, Beshear, Burnette, Crupper, DeMarcus, Fitzgerald, Hancock, Nett, Pearman, P. Richardson, Robinson, Trevey, Wilborn.

SB 266 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 266** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker announced the following Conference Committees:

SB 72	Representative Beshear, Chairman Representative McBee Representative Gray
SB 281	Representative Blandford, Chairman Representative J. Allen Representative Stone
SB 224	Representative Donnermeyer, Chairman Representative Mann Representative Wells
HB 102	Representative Lindsay, Chairman Representative Priddy Representative Weinberg

The Speaker announced the House was now at ease.

Report on Enrolled Bills

The Committee on Enrollment reported **HCR 83, HCR 73, HCR 72, HCR 71, HCR 70, HB 231, HB 266, HB 293, HB 420, HB 471, HB 523, HB 531, HB 559, HB 605, HB 659, HB 616, HB 64, HB 67, HB 68, HB 89, HB 140, HB 155, HB 318, HB 35, HB 48, HB 129, HB 31, HB 23, HB 119, HB 12, HB 39, HB 760, HB 215, HB 717, HB 686, HB 628, HB 567, HB 360, HB 312, HB 304, HB 156, HB 152, HB 25, HB 137, HB 519, HB 683, HB 599, HB 448, HB 92, HB 166, HB 150, HB 244, SB 135, SB 332, SB 317, SB 226, SB 204, SB 263, SB 136,** and **SB 306** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HCR 83, HCR 73, HCR 72, HCR 71, HCR 70, HB 231, HB 266, HB 293, HB 420, HB 471, HB 523, HB 531, HB 559, HB 605, HB 659, HB 616, HB 64, HB 67, HB 68, HB 89, HB 140, HB 155, HB 318, HB 35, HB 48, HB 129, HB 31, HB 23, HB 119, HB 12, HB 39, HB 760, HB 215, HB 717, HB 686, HB 628, HB 567, HB 360, HB 312, HB 304, HB 156, HB 152, HB 25, HB 137, HB 519, HB 683, HB 599, HB 448, HB 92, HB 166, HB 150, HB 244 delivered to the Senate, signed by President. Ordered delivered to the Govenor.

Orders of the Day (continued)

Representative Blandford, Chairman of the Conference Committee on **SB 281**, requested a free Conference Committee. The same members of the House appointed to the Conference Committee on **SB 281** remained as members of the Free Conference Committee.

Representative Tobin moved that the Minority Free Conference Committee Report on **SB 114** be substituted for the Majority Report.

On the roll call the vote was yeas 60-W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Carpenter, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Donnermeyer, Dunn, Fitzgerald, Gray, Guenthner, Guy, Haering, Hancock, Holbrook, Holloway, Imes, Isler, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, McBee, McNutt, Nett, Noe, O'Brien, Petty, Plummer, Priddy, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, Stewart, Thomas, Tobin, Wilborn, Worthington, Wright, Yates. Nays 4-Adams, Burnette, Foster, Van Horn.

The motion that the Minority Free Conference Committee Report on **SB 114** be substituted for the Majority Report was adopted.

Representative Tobin moved the adoption of the following Minority Free Conference Committee Report on **SB 114:**

I recommend that the House recede from Amendment No. 2 and concur with the other amendments which were properly adopted.

/s/ Mary Ann Tobin

Agreed.

Representative Tobin moved that **SB 114,** as amended by the Minority Free Conference Committee Report, be passed.

On the roll call the vote was yeas 58-Arnold, Bendl, Bennett, Benson, Behsear, Blythe, Boswell, Brinkley, Brown, Carpenter, Clapp, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Donnermeyer, Dunn, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, McKinney, McNutt, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, P. Richardson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Tobin, Wilborn, Worthington, Wright, Yates. Nays 13-Adams, W. Allen, Bruce, Burnette, Deskins, Fitzgerald, Foster, Hurst, Kenton, Lindsay, Riner, Robinson, Van Horn.

SB 114, as amended by the Minority Free Conference Committee Report, was passed and the title agreed to.

Representative Tobin moved that the vote by which **SB 114,** as amended by the Minority Free Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Speaker Pro Tempore Clapp presiding.

Representative Imes moved the adoption of the following Free Conference Committee Report on **HB 358:**

The Free Conference Committee on House Bill 358 recommends that the Senate Committee Substitute to House Bill 358 and the following amendments thereto be adopted:

(a) Committee Amendment No. 1;

(b) Floor Amendment No. 8;

(c) And further amending Senate Committee Substitute on page 15, line 19, after the word "if" by adding the words "*the board finds as a fact that*"; and on page 23, lines 14 through line 19, by deleting same in their entirety and inserting in lieu thereof:

(2) Every insurer offering workmen's compensation insurance coverage to employers in this state or rating organization acting on behalf thereof shall on or before July 1 of each year file with the commissioner every revised manual, minimum, class rate, rating schedule or rating plan and every other revised rating rule or classification and every modification thereof which it proposes to use. Nothing herein shall be construed to prohibit more than one such filing in any twelve (12) month period.

and on page 24, by deleting line 15 in its entirety and inserting in lieu thereof;

"*loss data for the most recent three year period for which such information*"

and on page 26, line 16, after the word "title" by deleting the words "*The commissioner shall hold a public hearing on" and by deleting lines 17 through line 20 in their entirety and on line 21 by deleting the words "ation prior to the date set for the public hearing.'* and inserting in lieu thereof:

Upon receipt of any filings respecting workmen's compensation insurance the commissioner shall cause the filing supporting information and reports to be examined by an independent actuary who shall submit a written report for public inspection containing his evaluation and findings to the commissioner. The commissioner shall hold a public hearing on all such filings not less than thirty (30) days after receipt of the report of the actuary. The commissioner, any party or intervenor may request in writing at least ten (10) days prior to the public hearing that any rating rule or classification or any modification thereof in effect on the date of the filing be reviewed at the public hearing and the commissioner shall so order.

and on page 28, after line 7, by adding the following:

Section 9. There is appropriated from the General Fund to the Department of Labor— Special Fund for expenditures in accordance with KRS 342.122 four million dollars ($4,000,000) for fiscal year 1978-79 and four million dollars ($4,000,000) for fiscal year 1979-80, but in no event shall the appropriation provided herein for fiscal year 1978-79 exceed the balance of unappropriated surplus of general fund revenues remaining at the end of fiscal year 1977-78 nor shall the appropriation provided herein for fiscal 1979-80 exceed the balance of unappropriated surplus of general fund revenues remaining at the end of fiscal year 1978-79. Any unexpended balance remaining at the end of fiscal year 1978-79 shall not lapse but shall be carried forward for expenditure in fiscal year 1979-80.

(Endorsed by Senators Berry, Hammond and Huff; Representatives Imes, Cyrus and Clapp.)

Agreed.

Representative B. Richardson moved that **HB 358,** as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was yeas 67-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Head, Hines, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, Little, Mann, Marcum, Nett, Noe, O'Brien, Overstreet, Pearman, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Siemens, F. Smith, R. Smith, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 17-Bruce, Crupper, Davenport, DeMarcus, Guenthner, Hancock, Holbrook, Holloway, List, McKinney, McNutt, Morris, Petty, Riner, Schmidt, Stewart, Trevey.

HB 358, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 358,** as amended by the Free Conference Committee Report was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the rules be suspended to consider Legislative Citations, House Resolutions, and Co-sponsors of Bills and Resolutions. Agreed.

Representative Imes presiding.

Representative Richards moved the adoption of the following Legislative Citation No. 79:

The House of Representative of the Commonwealth of Kentucky hereby commends Mr. S. C. "Shad" Lawson for his long and faithful service to Warren County as Master Commissioner. He has been an active man in the community, serving two terms as a member of the Vestry in the Christ Episcopical Church. Among other accomplishments he has been a member of the Elks Club for sixty-two years, serving as Exalted Ruler for one term. We are very proud of his contributions to his community as well as the State of Kentucky, and we wish to extend to him our very best wishes in his retirement. (Sponsored by Representative Richards)

Agreed.

Representative Robinson moved the adoption of the following **HR 141:**

HR 141, A RESOLUTION commending the Laurel County girls basketball Cardinals.

WHEREAS, the Commonwealth of Kentucky has a tradition for the highest excellence in the game of basketball; and

WHEREAS, this tradition is upheld annually by high school athletes in the girls and boys state high school basketball tournament; and

WHEREAS, the Laurel County girls basketball team, by virtue of winning the 1977 and 1978 State Championships, has shown the pride, skill, teamwork, determination, enthusiasm and love for the game which are the foundations for the heritage of Kentucky basketball; and

WHEREAS, the Laurel County girls basketball Cardinals have thereby not only insured the continuance of the Kentucky tradition but have enhanced the prestige and reputation surrounding the game of basketball in Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this honorable body commend the Laurel County girls basketball Cardinals collectively; their coach, Roy Bowling and the team members individually, Bonnie Sizemore, Sharon Combs, Sharon Garland, Lisa Collens, Delena House, Elizabeth Louthan, Paula Cason, Tammy Searcey, Rachel Bruner, Melanie Cochran, Michelle Trosper, Monica Feltner, Martha Gregory and Erlita Bowles, for their accomplishments and wish for their continued success for it brings honor to the entire Commonwealth of Kentucky.

Section 2. That the Clerk be directed to transmit an appropriate copy of this resolution to the principal of Laurel County High School, the coach and each of the members of the team.

Agreed.

Representative Little moved the adoption of the following Legislative Citation No. 85:

The House of Representatives hereby expresses its appreciation for Stoney Newsome for his excellent display of sportsmanship and superb play in the 16th Regional Play on leading the Virgie High School Eagles to the Sweet Sixteen for the second straight year. (Sponsored by Representative Little)

Agreed.

Representative P. Richardson moved the adoption of the following Legisaltive Citation No. 70:

The House of Representatives hereby expresses their gratitude to Mr. Donald Pace, Principal of Conkwright Junior High School, Winchester, Kentucky, for his outstanding cooperation in the organization of pages who served in the 1978 session of the House of Representatives. We deeply appreciate Mr. Pace's assistance and that of the teachers at Conkwright Junior High School. His excellent leadership and dedication merit highest commendation. (Sponsored by Representative P. Richardson)

Agreed.

Representative Boswell moved that the rules be suspended for the purpose of making a motion in regard to co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following member requested that their names be added as co-sponsors of Bills and Resolutions: Representative Beshear, **HB 148;** Representative F. Smith, **HB 60** and **HB 735.**

Representative Kleier moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Kleier moved that he be recorded as voting "nay" on **HR 20.** Agreed.

Representative Fitzgerald moved the adoption of the following **HR 140:**

HR 140, A RESOLUTION relating to turkeys.

WHEREAS, the General Assembly has previously concerrned itself with red fox, turtles and beavers; and

WHEREAS, those two-legged birds with brilliant·plumage and melodious voices that strut instead of walking are of equal importance; and

WHEREAS, those birds are honored and petted and fed gourmet meals; and

WHEREAS, those birds are ushered upon the sacramental alter, relieved of all their encumbrances, filled with internal good; and

WHEREAS, those birds are annointed with exotic emulsions, embellished with elaborate carvings, escorted into the inner sanctum and treated to thermostatically controlled temperature in preparation to participate in the ceremonial rites for the entertainment and pleasure of a carefully chosen audience; and

WHEREAS, after the pomp and pageantry of the ceremonial rites do come to pass, the carcass is tossed to the dogs and a few bones become interred; and

WHEREAS, these interred bones will one day be resurrected and forevermore be your albatross; and

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the 1978 House of Representatives does hereby honor and award all turkeys, real and symbolic, and does direct the House Clerk to send a copy of this resolution, along with accompanying presents, to the West end of the 3rd floor, Capitol, with our best wishes, regards and condolences.

Agreed.

Representative Deskins moved the adoption of the following Legislative Citation No. 48:

The House of Representatives hereby congratulates Pikeville High School football team and fine Coach, Hillard Howard for your excellent record as Championship winners in both the district and regional competitions. We are proud of your great team effort and high level of competition and competency. Your performance is a great tribute to you, your school and the community. We applaud you and express our best wishes for your continued success. (Sponsored by Representative Deskins)

Agreed.

Representative Deskins moved the adoption of the following Legislative Citation No. 49:

The House of Representatives hereby commends Dan Thomas, Branch Manager, and all personnel at the Wayne Supply Company, Pikeville, Kentucky, for their outstanding contribution during the most devastating flood in Pikeville's History. The facilities of the Warehouse were made available to the Citizens of Pikeville. Housing accommodations, food and shelter were provided with the excellent assistance of the National Guard and the Red Cross. The Wayne Supply Company aided in the distribution of needed electrical power. We appreciate their fine contribution in alleviating suffering. We extend to them our very best wishes. (Sponsored by Representative Deskins)

Agreed.

Representative Deskins moved the adoption of the following Legislative Citation No. 50:

The House of Representatives hereby commends Marlow Tackett of Pikeville, Kentucky for his outstanding contributions to the citizens of Pike County. Mr. Tackett has sponsored numerous fund-raising events for the schools such as an event to raise money to purchase encyclopedias. His bank, Southern Comfort, has devoted many hours to charity. He is the originator of Santa Claus Helper's Day which assures every child in the community of receiving a toy on Christmas Day. During the disastrous flood of 1977, he housed and fed many people. His place of business known as Marlow's Country Palace provided a haven for many homeless people. We express our deep appreciation to Mr. Tackett and his associates for their generous contributions. (Sponsored by Representative Deskins)

Agreed.

Representative Arnold moved the adoption of the following Legislative Citation No. 64:

The House of Representatives hereby congratulates Barry Hickey, Governor of the Kentucky Youth Assembly for the year 1977-78, sponsored by the YMCA of Montgomery County High School. This is one of the highest honors to have bestowed upon our youth. Barry is an outstanding Senior at Montgomery High School, Mr. Sterling, Kentucky. He is a fine citizen and an excellent academic student. He plans to attend the University of Kentucky majoring in law. We are very proud of Barry's accomplishments and we extend our best wishes for his continued success. (Sponsored by Representative Arnold)

Agreed.

Representative Deskins moved the adoption of the following Legislative Citation No. 51:

The House of Representatives hereby pays tribute to the late Edward Venters of Pikeville, Kentucky for his outstanding accomplishments. He was a successful business executor and dealer for thirty-eight years with the Childers and Venters Motor Company. He was recognized as the winner of "Time Magazine Quality Dealer of the Year". His leadership in local government contributed to the vast improvements for Pikeville during his membership on the City Commission. As an army veteran, he had served his country with great distinction. We honor the memory of a great leader whose life of dedicated service will be a lasting tribute to him. (Sponsored by Representative Deskins)

Agreed.

Representative Burnette moved the adoption of the following **HR 142:**

HR 142, A RESOLUTION relating to sodium nitrate.

WHEREAS, sodium nitrate is used in the preservation of red meat to keep it free of botulism and safe for human consumption; and

WHEREAS, the U.S. Food and Drug Administration has threatened to ban the use of sodium nitrate and, further, this proposed ban has been endorsed by Assistant Secretary of Agriculture Carol Foreman; and

WHEREAS, such a ban would sharply increase the cost of fresh meat to consumers and would thereby be likely to reduce consumption of fresh meat, which is important to human health and nutrition; and

WHEREAS, the agricultural economy of Kentucky depends on the production and sale of hogs, sheep and cattle as well as the production and sale of grain used in raising cattle, and such economy would suffer if a ban on sodium nitrate were imposed; and

WHEREAS, test results indicate that a one hundred fifty-four-pound man would have to consume the equivalent of 46,000 pounds of bacon daily in order to show any harmful effects from sodium nitrate consumption;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby urge members of Congress, the President and the Secretary of Agriculture to oppose any ban on the use of sodium nitrate as a fresh meat preservative.

Section 2. That the House of Representatives does further call upon the President to replace immediately Carol Foreman as Assistant Secretary of Agriculture with someone who is more in sympathy with the needs of Kentucky's and the nation's farmers.

Section 3. That the Clerk is hereby directed to forward copies of this resolution to the President, the U.S. Secretary of Agriculture and each member of Kentucky's congressional delegation.

Agreed.

Representative Morris moved that the rules be suspended for the purpose of withdrawing as sponsor of Bills. Agreed.

Representative Morris moved that his name be withdrawn as sponsor of HB 606 and **HB 303.** Agreed.

Representative Morris moved that his name be withdrawn as sponsor of HB 606 and **HB 303.** Agreed.

Speaker Kenton presiding.

Representative B. Richardson moved that the House recede in its Amendment to **SB 261.**

On the roll call the vote was yeas 54-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blythe, Boswell, Brinkley, Bruce, Burnette, Carpenter, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Kenton, Kleier, Layman, LeMaster, Marcum, McBee, Nett, Noe, O'Brien, Petty, B. Richardson, Riner, Schmidt, F. Smith, Stone, Trevey, Van Horn, Weinberg, Wilborn, Worthington, Wright, Yates. Nays 0.

The motion that the House recede in the House recede in the House Amendment to **SB 261** was adopted.

Representative Donnermeyer, Chairman of the Conference Committee on SB 224, requested a Free Conference Committee be appointed. The same House members remained as members of the Free Conference Committee.

Representative Blandford moved the adoption of the following Free Conference Committee Report on **SB 281:**

The free conference committee has met as provided in the rules of the House and the Senate and hereby reports the following to be adopted:

The Senate and House adopt Senate Bill 281 as adopted by the Senate and that the following amendments be adopted:

(1) House Committee Amendment No. 1;

(2) On page 17, line 4, by deleting the words "*activities incident to a mine,*" and substituting in lieu thereof the word "*operations*" and by deleting lines 5 and 6 in their entirety and by deleting on line 7 the word "*department*" and inserting in lieu thereof the words "*without proper authorization, which shall not be construed to mean permits, as required by the department pursuant to KRS 350.151*"

and on page 18, line 20, by deleting "*activities*" and substituting in lieu thereof the word "*operations*" and by deleting lines 21 and 22 in their entirety and on line 23 by deleting the words "*without proper authorization, which shall not be construed to mean permits, as required by the department pursuant to KRS 350.151*"

and on page 19, after line 8, insert the following:

"Section 13. KRS 262.760 is amended to read as follows:
Within the first quarter of each calendar year, the board of directors shall prepare an itemized budget of the funds needed for administration, construction, operation and maintenance of works of improvement. After approval of such budget by the board of supervisors, the board of directors shall, by order or resolution, levy a tax sufficient to meet such budget, not to exceed five mills per dollar of the fair cash value, as equalized by

the department of revenue, of all real property within the district, except any levy necessary to provide a sinking fund for retirement of bonds authorized by KRS 262.750 *and except any levy necessary to provide for the improvement, continuing operation, or maintenance of works of improvement within the district authorized by Section 2 of this Act.* A copy of such budget and order or resolution shall be certified to the county clerk of the county or counties involved.

SECTION 14. A NEW SECTION OF KRS 261.745 to 262.750 IS CREATED TO READ AS FOLLOWS:

(1) Upon determination by the board of directors of a watershed conservancy district that the improvement, continuing operation, or maintenance of a watershed continuing operation, or maintenance of a watershed project is necessary, the board of directors may adopt a resolution which shall set out: (a) a listof the benefited lands located in the flood plain, as determined by the board of directors, giving the acreage of such lands and the names of the owners thereof as defined by KRS 262.010(6) with a classification of such lands or parts thereof into classes in order that assessments may be made according to direct benefits, and (b) the annual assessments to be levied upon the lands set out in the resolution on the basis of a certain amount per acre according to benefits received, not to exceed in any one year a sum per acre specified in the resolution.

(2) The board of directors shall cause due notice of the resolution to be given to all the owners of benefited lands, as determined by the board. Said notice shall set out the time and place of a meeting of the board of directors of the watershed conservancy district at which owners of benefited lands who may be liable for the annual assessments may be heard.

(3) At the hearing upon the resolution, owners of benefited lands may voice their views concerning the proposal as to whether it should be undertaken, and the scope thereof, or the degree of benefit received by their lands. The board shall prepare a record summarizing the proceedings. If the board of directors determines as a result of the hearing that the proposal should be carried out as planned, it may make such changes or revisions in the resolution as it deems proper and shall give due notice of an election to be held at which benefited landowners may vote on the question of annual special assessments to defray the cost. The notice of the election shall include the text of the resolution of the board in its final form. The board of directors may give due notice as provided in KRS 262.010(4).

(4) The board of directors shall prepare official ballots to be used in the election which shall state the question: "Should the assessment for improvement, continuing operation, or maintenance proposed by resolution of the --------- watershed conservancy district be adopted?" Squares indicating a yes or no answer should follow the question with a direction to insert an "X" mark in the square favored. Only owners of benefited land as set out in the resolution shall be eligible to vote. The board of directors may provide for a meeting of the landowners at which the vote may be cast, in which case qualified voters may vote by absentee ballot. The board shall appoint a polling superintendent and other necessary election officers, giving representation to the opponents of the question as well as to proponents.

(5) If a majority of those voting upon the proposition favor the assessment the board shall give due notice of the vote. Any owner of property to be benefited by the project may, within forty days after publication of such notice, file an action in the circuit court of the county in which his lands are located seeking relief by declaratory judgment or injunction. If a suit is filed, the county attorney shall represent the board of directors in upholding the validity of the proposed assessment. After the lapse of time specified herein all actions by owners of properties to be benefited shall be forever barred.

(6) If no suit is filed and no injunction issued within the time allowed in subsection (5) of this section, the board of directors shall levy annual assessments effective only upon the benefited properties and based on the acreage thereof. The annual assessment shall be made by the board of directors at the same time and in the same manner as provided in KRS 262.765 for taxes generally and shall be collected as provided in KRS 262.770. The assessments shall constitute liens against the land benefited and shall attach to the land, taking precedence over all other liens except state, county and municipal taxes and prior improvement assessments.

Section 15. KRS 262.750 is amended to read as follows:

(1) Bonds authorized by KRS 262.745 shall not be issued until proposed by order or resolution of the board of directors, specifying the purpose for which the funds are to be used and the proposed undertaking,

the amount of bonds to be issued, the rate of interest they are to bear and the amount of any necessary tax levy [in excess of the maximum] authorized in KRS 262.760 to establish a sinking fund for the liquidation of bonds as provided in KRS 262.760. Copy of the order or resolution shall be certified to the board of supervisors.

(2) The board of supervisors shall conduct a hearing on such proposal after notice given pursuant to KRS 262.010 (4). If it appears that the proposal is within the scope and purpose of KRS 262.700 to 262.795 and meets all other requirements of the law, the proposal shall be submitted to the landowners of the district by referendum under supervision of the board of supervisors.

(3) Provisions of KRS 262.725, 262.730 and 262.740 as to notice, qualifications of voters, absentee voting and manner of holding referendum election in organizing a watershed conservancy district shall apply to the referendum held under this section.

(4) If two-thirds (2/3) of the landowners voting favor the proposal, subject to the provisions of KRS 66.210, such bonds may be issued.

Section 16. KRS 262.777 is amended to read as follows:

[In the event the income derived by a watershed conservancy district by taxation as provided by KRS 262.745(1) and 262.760 shall prove inadequate to carry out the approved program of the district, or constitutional limitations on indebtedness do not permit the borrowing of funds by the district as authorized by KRS 262.745(4) and 262.750,] A special assessment may be voted and bonds issued which shall be payable solely from the collection of such assessments, as provided in KRS 262.778 and 262.779."

and on page 19, line 9, by deleting "Section 13." and inserting in lieu thereof "Section 17.";

and by amending the title to read "AN ACT relating to mining and conservation."

1. Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

(Endorsed by Senators Gibson, Rose and McCuiston; Representatives Blandford, Stone and J. Allen)

Agreed.

Representative B. Richardson moved that **SB 281,** as amended by Free Conference Committee Report, be passed.

On the roll call the vote was yeas 44-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burnette, Carpenter, Clarke, Davenport, Dawahare, DeFalaise, Dunn, Foster, Gray, Guy, Hancock, Head, Hines, Isler, Kenton, Kleier, Layman, LeMaster, Marcum, McBee, Nett, Noe, O'Brien, Petty, B. Richardson, F. Smith, Stone, Weinberg, Wilborn, Worthington, Wright, Yates. Nays 9-W. Allen, Guenthner, Holbrook, Holloway, Riner, Robinson, Schmidt, Trevey, Van Horn.

SB 281, as amended by Free Conference Committee Report, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 281,** as amended by Free Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Arnold moved the adoption of the following Legislative Citation No. 74:

The House of Representatives of the Commonwealth of Kentucky hereby commends the Nicholas County Bluejackets, Class A, Region II, District II, who under the expert tutelage of Head Coach Ben Pumphrey, was the 1976 District Champion and amassed an outstanding record of 10 wins and 2 losses in 1977. Special commendation is extended to 1976 All Stater Jimmy Smith, offensive center, and 1977 All Staters Clifford Thompson and Joe Ruddell, defensive backs, and Dwaine Williams, defensive tackle. Lost from the 1977 squad are Mark Mattox, Tom Tout, Jeff Maddox, Bob Tincher, Jeff Jolly, Rick Boone, Rick Fryman, Dwaine Williams, Joe Ruddell, Allen Atkinson, Clifford Thompson and Louie Garrett; however, the significant achievements of the past will be carried forward by a new group of footballers similarly dedicated to the competitive spirt. Well done, Bluejackets. (Sponsored by Representative Arnold)

Agreed.

Representative Lindsay filed the Free Conference Committee Report on **HB 102.**

Representative B. Richardson moved the adoption of the Free Conference Committee Report on **HB 102.**

Representative Wright moved that **HB 102** be laid on the table.

Representative Clapp moved that the Free Conference Committee Report on **HB 102** be postponed indefinitely.

Representative Guenthner moved that adoption of the previous question on **HB 102.**

On the roll call the vote was yeas 39-Adams, W. Allen, Bendl, Bennett, Brinkley, Carpenter, Clapp, Davenport, DeFalaise, Foster, Gray, Guenthner, Hancock, Head, Hines, Holbrook, Holloway, Isler, Kidd, List, Marcum, McBee, McNutt, Morris, Noe, O'Brien, Pearman, Petty, Priddy, Riner, Romines, F. Smith, Stewart, Stone, Trevey, Van Horn, Weinberg, Wilborn, Worthington. Nays 3-Blythe, Dawahare, Deskins.

The motion that the previous question be adopted on **HB 102** was rejected.

On the roll call the vote was yeas 38-Adams, W. Allen, Bendl, Bennett, Blandford, Boatwright, Boswell, Bruce, Burnette, Clapp, DeFalaise, Deskins, Dunn, Foster, Gray, Guy, Hancock, Hines, Holbrook, Imes, Isler, Kidd, Layman, List, McNutt, Morris, Nett, O'Brien, Petty, Priddy, Richards, B. Richardson, Riner, Romines, F. Smith, Wilborn, Wright, Yates. Nays 22-J. Allen, Beshear, Blythe, Brinkley, Carpenter, Clarke, Dawahare, Fitzgerald, Guenthner, Head, Holloway, Kenton, LeMaster, Marcum, Pearman, Robinson, Stewart, Stone, Trevey, Van Horn, Weinberg, Worthington.

The motion that the Free Conference Committee Report on **HB 102** be postponed indefinitely was adopted.

Senate Message

HB 358, HB 101, SB 299 returned with letters stating Senate had concurred in Free Conference Committee Reports.

Orders of the Day (continued)

The Speaker announced the Senate refused to meet with the Committee on **SB 72.** The Speaker will confer with the Senate.

Speaker Pro Tempore Clapp presiding.

Representative B. Richardson moved that the House recede in the House Amendment to **SB 187.** Agreed.

Representative B. Richardson moved that the rules be suspended to take **SB 270** and **HR 130** from the Committee on Rules and to act on Consent Calendar and Consent Orders of the day. Agreed.

SCR 36 taken from Consent Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 40-J. Allen, Arnold, Bendl, Bennett, Boatwright, Boswell, Bruce, Clapp, Clarke, Davenport, Dunn, Foster, Guy, Hancock, Head, Hines, Holbrook, Isler, Jones, Kidd, Kleier, List, McBee, McNutt, Morris, Noe, O'Brien, Petty, Priddy, B. Richardson, Riner, Romines, Schmidt, F. Smith, Stewart, Stone, Van Horn, Wilborn, Wright, Yates. Nays 6-Burch, Fitzgerald, Imes, Layman, Lindsay, Pearman.

SCR 36 was passed and the title agreed to.

SB 270 taken from Consent Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 48-Adams, J. Allen, Arnold, Bendl, Bennett, Blythe, Boswell, Bruce, Clapp, Clarke, Cyrus, Davenport, Dawahare, DeFalaise, Dunn, Foster, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Isler, Jones, Kidd, Kleier, Lindsay, List, Marcum, McNutt, Morris, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Robinson, Romines, Schmidt, F. Smith, Stone, Tobin, Van Horn, Wilborn, Wright, Yates. Nays 4-Fitzgerald, Imes, Pearman, Riner.

SB 270 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 270** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker reported the Conference Committee on **SB 72** will meet.

Representative Kleier moved the adoption of **HR 130.**

HR 130 was adopted by voice vote.

Representative B. Richardson moved that the rules be suspended to take **HR 133** and **HR 136** from the Committee on Health and Welfare and placed upon passage. Agreed.

Representative Kleier moved the adoption of the following **HR 133:**

HR 133, A RESOLUTION to study the foster care program in Kentucky and the need for a Kentucky advisory board for foster care.

WHEREAS, agencies responsible for the placement of children in foster homes should consider the best interests of the child in making such placements; and

WHEREAS, foster parents with whom a child is placed for the purpose of foster care may want to later adopt the child but may encounter resistance from the agency placing the child; and

WHEREAS, the right of foster parents to initiate procedures for the termination of parental rights for a child in such foster parents' care is an area which needs further study; and

WHEREAS, a child who is placed in numerous foster homes without an opportunity for a permanent home may lose his ability to trust and to establish caring relationships; and

WHEREAS, foster parents are concerned about the present policies and procedures for foster care; and

WHEREAS, the quality and appropriateness of care provided to children in foster care needs additional study; and

WHEREAS, the role of foster parents needs careful study;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, through the Interim Joint Committee on Health and Welfare, is urged to study the foster care program in Kentucky and the need for a Kentucky advisory board for foster care and to report its findings and recommendations to the General Assembly not later than June 1, 1979.

Agreed.

Representative Kleier moved the adoption of the following **HR 136:**

HR 136, A RESOLUTION for the establishment of an office of ombudsman for the adult handicapped and developmentally disabled.

WHEREAS, adult handicapped and developmentally disabled individuals are frequently denied the opportunity to secure, retain, or advance in employment because of said handicap or disability;

WHEREAS, nearly 40,000 disabled American veterans and thousands of adult citizens disabled due to diseases and accidents are not afforded the same protection and advocacy services as are developmentally disabled children under Kentucky's protection and advocacy system;

WHEREAS, adult handicapped and developmentally disabled citizens of the Commonwealth have the right to be afforded a fair opportunity to attain employment in order to become self-supporting;

WHEREAS, adult handicapped and developmentally disabled individuals need a system with the authority to pursue legal, administrative and other appropriate remedies to insure the protection of their legal and human rights;

WHEREAS, adult handicapped and developmentally disabled individuals have no system to which they may complain as to violations or non-compliance with their legal and human rights;

WHEREAS, an office of ombudsman for the handicapped and developmentally disabled could provide for the lodging, referral, inquiry, and investigation of complaints of such violations and non-compliance;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is urged to study the need for the establishment of an office of ombudsman for the adult handicapped and developmentally disabled and to report the study along with any recommendations to the appropriate interim joint committee not later than June 1, 1979.

Agreed.

Representative Davenport moved the adoption of the following Legislative Citation No. 86:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates the Somerset High School Boys Basketball Team upon winning the 12th Region Championship Title in the 1978 State High School Basketball Tournament. This body applauds the impressive season record and commends the talents and efforts of the team members, the head coach and his assistants. This body also recognizes the valuable support of the Somerset High School cheerleaders and wishes the best of luck to the entire school throughout the remaining year.

Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 80, HB 515, HB 514, HB 406, HB 352, HB 269, HB 256, HB 219, HB 217, HB 332, SB 95, SB 98, SB 113, SB 118, SB 119, SB 124, SB 131, SB 133, SB 149, SB 162, SB 163, SB 179, SB 215, SB 223, SB 245, SB 276, SB 284, SB 289, SB 301, SB 336, SB 348, SR 46, SB 192,** and **SB 102** had been examined and found correctly enrolled. Said Bill and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 80, HB 515, HB 514, HB 406, HB 352, HB 269, HB 256, HB 219, HB 217, HB 332 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Recess

Representative B. Richardson moved that the House recess for fifteen minutes. Agreed.

At the appointed hour, the Speaker assumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 143, HB 165, HB 200, HB 713, HB 497, HB 392, HB 384, HB 188, HB 79, HR 74, HR 67, HB 718,** and **HB 752** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 165, HB 200, HB 713, HB 497, HB 392, HB 384, HB 188, HB 79, HR 74, HR 67, HB 718, and **HB 752** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Speaker Kenton presiding.

Representative B. Richardson moved that no other business be conducted during the 1978 Session of the General Assembly except enrollment of bills. Agreed.

Senate Message

SB 114 returned with letter stating Senate had concurred in the Free Conference Committee Report; **SB 193** returned with letter stating that the Senate had concurred in the Conference Committee Report; **SB 314** returned with letter stating that the Senate had refused to concur in the House Amendment to **SB 314.**

Report on Enrolled Bills

The Committee on Enrollment reported **SB 193, SB 225, SB 222, SB 107, SB 174, SB 251, SB 312, SB 134, SB 187, SB 264, SB 309, SB 92, SB 340, SR 36, SB 41, SB 279, SB 173, SB 328, SB 252, SB 320, SB 266, SB 273** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 405, HB 1, HB 168, HB 393, HB 745, HB 638, HB 356, HB 578, HB 61, HB 623, HB 358, HB 99, HB 98, HB 44, HB 187, HB 549, HB 546, HB 603, HB 36, HB 216, HB 33, HB 101, HB 46, HB 634, SB 281, SB 261, SB 299,** and **SB 114** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 405, HB 1, HB 168, HB 393, HB 745, HB 638, HB 356, HB 578, HB 617, HB 623, HB 358, HB 99, HB 98, HB 44, HB 187, HB 549, HB 546, HB 603, HB 36, HB 216, HB 33, HB 101, HB 46, and **HB 634** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Representative Brinkley moved that the reading of the Journal of March 18, 1978, be dispensed with and the same approved. Agreed.

Representative Lindsay moved that the Journal of the House of Representatives for the 1978 Session be approved. Agreed.

Adjournment

Representative Beshear moved that the Clerk read the following **SCR 69:**

SCR 69, A CONCURRENT RESOLUTION to adjourn the 1978 Regular Session of the General Assembly *sine die.*

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That when the Senate and the House of Representatives adjourn on Saturday, March 18, 1978, they do adjourn *sine die.*

Agreed.

Representative Deskins moved the adoption of **SCR 69.**

On the roll call the vote was yeas 7-Beshear, Guy, Kenton, LeMaster, List, Siemens, Yates. Nays 5-Brinkley, Deskins, Fitzgerald, Foster, Lindsay.

SCR 69 was adopted.

The Journal of the House of Representatives was read, compared and approved. The House adjourned sine die.

/s/William G. Kenton
APPROVED: William G. Kenton, Speaker
House of Representatives

/s/ Sara Bell
ATTEST: Sara, Chief Clerk

VETO MESSAGES

(Spread Upon the Register of the Secretary of State After Sine Die Adjournment)

HB 420

House Bill 420 is vetoed because shifting the burden for filing the reports from the candidate to the treasurer effectively precludes enforcement of the requirements for public disclosure.

s/Julian M. Carroll
Governor

March 25, 1978

HB 638

By the authority granted by Section 88 of the Kentucky Constitution I am vetoing House Bill 638 because Senate Floor Amendment No. 2, which was adopted by both houses, and which permits a teacher to be granted membership in the teachers retirement system without meeting the normal eligibility conditions previously necessitated by KRS Chapter 161, further expands the unfunded liability for the system.

s/Julian M. Carroll
Governor

March 30, 1978

HB 643

By the authority granted by Section 88 of the Kentucky Constitution I am vetoing House Bill 643 because it mandates that at least three-fourths of the advisory board membership represent the day care industry, and that board as created would effectively regulate itself which is not in the public interest.

s/Julian M. Carroll
Governor

March 30, 1978

HJR 20

WHEREAS, the official records of the Secretary of State reflect the fact that the Governor of the Commonwealth of Kentucky is "absent from the State" within the meaning of section 84 of the Constitution of Kentucky, and

WHEREAS, in such circumstances, it becomes incumbent upon the Lieutenant Governor to discharge the duties of the office of the Governor,

NOW, THEREFORE, **HJR 20**, 1978 Regular Session of the General Assembly of Kentucky should be and it hereby is vetoed.

Conformable to the requirements of Section 88 of the Constitution of Kentucky the objects and reasons for the veto of **HJR 20** are:

(1) It is not in the best interest of the people of the Commonwealth of Kentucky;

(2) The General Assembly of Kentucky was powerless to rescind the action previously it had taken on the identical subject matter of **HJR 20.**

(3) The manner in which **HJR 20** obtained concurrence by both Houses of the General Assembly were illegal.

This the 20th day of March, 1978.

s/Thelma L. Stovall

Governor

HISTORY OF HOUSE BILLS

(Numbers refer to page of House Journal. The text of a bill is given on first reading. Sponsors are indicated on the page of introduction.)

	Intro-duced	Re-ferred	Re-ported		Readings		Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 1	21	31	218	218	284	958	2374	2507	226 762 958 2471 2479	958 2432 2479	53 308 312 364 365 437 762 832 884 890 2432 2460 2468 2470
HB 2	21	31									53 160
HB 3	21	31									53
HB 4	21	31	159	159	172	240	627	659	240	241	71 178 214 216 240 241
HB 5	21	31	62	62	78	173	1173	1220	173	173	48 121 142 144 146 161
HB 6	22	31									
HB 7	22	31	164	164	206				172		41 68 213
HB 8	22	31	1174	1174	1297	1699				1699	41 1378 1802 1804 2211
HB 9	22	31	453	453	524	1299	2332	2347	454 1003	1299	41 55 524 533 722 1174
HB 10	22	31	453	454							41 524 709
HB 11	22	31	78	78	87	145	2129	2164		145	41 68 91 118 160

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
HB 12	22	31	81	81	91	118	1173	2495	2378	118 2379	55 68 79 96 99 2378 2427
HB 13	22	31	1080	1080	1217	1405			1084 1922	1922	719 1251 1405 1741 1804 1957
HB 14	22	31									68 973 1420
HB 15	22	31	821	827	870	961	1971	1976	829	961	284 886 2426
HB 16	22	31	133	133	143	309			136 309	309	71 213 216 242 243 285 364
HB 17	22	31	276	276	308	1835	2374	2390	1835	1836	44 51 53 71 436 524 1042 1742
HB 18	22	31	276	276	308	437	1250	1402	277	437	147 363
HB 19	22	31									99 601 883
HB 20	22	31									99 531
HB 21	22	31									71 601
HB 22	22	31	48	48	53	88	373	437	88	89	44 51 53 55 68 71 79
HB 23	22	31	121	121	143	174	594	2495	2377	174 2377	55 79 99 159 2377 2427
HB 24	22	31	121	122	143	174	831	876		174	44 159
HB 25	22	31	182	182	213	242	1743	2495	196 2380	242 2380	44 215 242 244 2379

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
HB 26	23	31	258	258	308	370				370	44 363
HB 27	23	31									
HB 28	23	31									99
HB 29	23	31	375	375	455	775	1971	1976	375 775	775	143 455 620 662 710
HB 30	23	31									48
HB 31	23	31	65	65	78	145	965	2495	66 145 2377	145 2378	48 87 91 117 118 160 2377 2427
HB 32	23	31									
HB 33	23	31	560	560	620	813	2374	2507	564 813 2435	813 2435	155 722 787 2435
HB 34	23	31									
HB 35	23	31	59	59	78	92	1971	2495	2381	92 2381	53 87 2381 2427
HB 36	23	31	546	546	620	780	1929	2507	2381	780 2382 2493	284 709 2381 2450 2460 2470 2484 2491 2492 2493
HB 37	23	31	250	250	308	438	1250	1402	254	439	71 367
HB 38	23	31									41 628
HB 39	23	31	453	454	524	599	1173	2495	454 2382	599 2382	41 533 542 602 658 2382 2427
HB 40	23	31									41 628
HB 41	23	31	616	616	658	814			618	814	41 722
HB 42	23	31	296	297	364	457	1929	1964	298	457	44 374
HB 43	23	31	296	296	364	526			297	526	44 443
HB 44	23	31	314	314	368	527	2292	2507	338 527 2391	527 2391	44 53 443 455 525 529

	Intro-duced	Re-ferred	Re-ported	Readings			Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 44 (Cont'd)											2391 2427
HB 45	23	31	606	606	658						44 309 709 1095
HB 46	24	31	269	269	308	371	1044	2507	271 274 2410 2491	457 2410 2492	48 363 371 372 437 2410 2450 2460 2470 2488 2491
HB 47	24	31									628
HB 48	24	31	65	66	78	92	532	2495	67 2378	92 2378	48 87 2378
HB 49	24	31	239	239	284	364	710	713	364	364	51 71 308 312
HB 50	24	31									48 312
HB 51	24	31	375	375	455	776			392 776		58 455 542 602 620 662 710 777
HB 52	24	44	156	156	172	214					48 51 68 178 213 214
HB 53	24	44	218	234	284	525				525	48 308 364 437 456
HB 54	24	44									
HB 55	24	44	136	137	143	208	1250	1402		208	71 164 2426
HB 56	24	44									55 87 88 118 374
HB 57	24	44	121	130	143	240	1250	1402		240	81 164 208 214
HB 58	24	44									
HB 59	24	44	447	447	524	780				781	363 366 709

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 60	24	44	789	789	870	962			790	962	99 111 244 462 886 955 2499
HB 61	24	44									51 58 601
HB 62	24	44									88
HB 63	24	44									
HB 64	24	44	85	85	91	146	627	2495	2374	146 2374	58 121 160 2374 2427
HB 65	24	44									
HB 66	24	44									121 885
HB 67	24	44	121	131	143	175	1929	2495	132 210 2375	209 2375	55 159 175 176 207 2375 2426
HB 68	24	44	96	96	116	285	2030	2495	285 2375	285 2376	58 121 146 161 173 207 214 240 244 2375
HB 69	24	44	269	274	308	438	782	785	275 276	438	71 363
HB 70	25	44	180	180	213	310			310	311	68 91 99 215 240 244 285 310
HB 71	25	44	257	257	308	456			456	456	53 79 88 92 363 436 438
HB 72	25	44	96	96	116	173	532	599	173	174	58 121 146 161 172 1086
HB 73	25	44									1045
HB 74	25	44									71 1042

		Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
					1st	2nd	3rd					
HB	75	25	44	645	645	710	785	1929	1964	645	785	442 722
HB	76	25	44	1045	1045	1217				1046		55 1843
HB	77	25	44									719
HB	78	25	44	1267	1272	1400				1272 1273		719 1976
HB	79	25	44	821	821	870	1088	2374	2506	822 1088 2469	1089 2469	719 829 976 2468
HB	80	25	44	932	935	955	1219	2391	2506	937 2469	1219 2469 2492	719 1045 2469 2480 2489 2491 2492
HB	81	25	44									121 1838
HB	82	25	44									
HB	83	25	44	82	82	91	118				118	44 51 53 58 68 79 96 99 118 214
HB	84	25	44									55
HB	85	25	44									55
HB	86	25	44	421	421	455	810	1971	1976	424 426 810	810	284 628 710 778 787
HB	87	25	44	665	665	710	1694			891 1694 1696 1697 1826 1828 1829 1830		71 710 789 1042 1094 1248 1251 1418 1419 1698 1741 1803 1831
HB	88	25	44	288	288	364	457	2030	2164	289	458	143 374
HB	89	25	44	288	290	364	525	2030	2495	2377	525 2377	143 374 458 2376
HB	90	25	44	85	86	91	121	965	1032	86	121	48 68 96 118
HB	91	25	44	96	97	116	146			97 207	146	71 121

	Intro-duced	Re-ferred	Re-ported	Readings			Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 91 (Cont'd)											160 161 174 176 208 211
HB 92	25	44	881	881	886	969	2292	2495	882 2396	969 2397	55 890 941 970 2396
HB 93	25	44	834	836	886	1088	2292	2321		1700	665 941 1033 1088 1402
HB 94	25	44									161 214 312
HB 95	25	44									53
HB 96	25	44									1045
HB 97	26	44									1045
HB 98	26	44	476	476	538	659	1743	2507	485 660 2382	660 2384 2489	71 546 623 626 660 718 2382 2450 2460 2470 2488 2489
HB 99	26	44	133	136	143	175	2129	2507	2384	175 2384 2489	71 159 2384 2450 2460 2470 2488 2489
HB 100	26	44	59	60	78	119	1173	2426	2386	119 2387	48 68 87 2385 2427
HB 101	26	44	156	157	172	241	1173	2507	158 159 2388	242 2389 2493	48 160 178 214 241 244 2387 2450 2460 2470 2493 2504
HB 102	26	44	476	493	538	623	1831		495 623 624 2389	624 2389 2490	71 546 602 2389

	Intro-duced	Re-ferred	Re-ported		Readings		Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 102 (Cont'd)											2426 2450 2460 2490 2495 2504
HB 103	26	44	58	58	78	93	243	284	59 93	93	48 87 91 93 1905
HB 104	26	44									48 79
HB 105	26	44									
HB 106	26	44									
HB 107	26	44	1626	1626	1690	1915			1628	1916	51 374 1742
HB 108	26	44									58
HB 109	26	44									44 374
HB 110	26	44	48	49	53	458	2374	2390	246	458	44 68 79 87 88 246 285 374
HB 111	26	44	471	471	538	711			472	711	143 628
HB 112	26	44									79 147 883 1086
HB 113	26	44	115	115	143						51 53 55 99 178
HB 114	26	44	288	291	364	458	2374	2390	291	458	51 143 374
HB 115	26	44									51 53 55 68
HB 116	26	44									55
HB 117	26	44									92 118
HB 118	26	44	443	443	524	781			444	781	92 240 437 709 1086
HB 119	26	44	136	138	143	208	604	2495	139 2389	209 2390	71 164 2389
HB 120	26	44	1897	1987	1958						118 207 240 1045 2172

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 121	43	47									92 172 883
HB 122	43	47	276	278	308	439	2332	2347	279	439	88 147 367
HB 123	43	47									161 1045
HB 124	43	47									92 172 883
HB 125	43	47	83	83	91	120	243	284		120	58 96
HB 126	43	47	71	71	87	119	710	713		119	53 91
HB 127	43	47									52 178
HB 128	43	47	806	806	870	962	1971	1976		962	594 886
HB 129	43	47	62	63	78	93	1743	2495	2392	93 2392	52 87 2392
HB 130	43	47									538
HB 131	43	47									
HB 132	43	47	276	279	308	439					147 367 439 604
HB 133	43	47									538
HB 134	43	47									
HB 135	43	47	472	472	538	624	1173	1220	474	625	143 214 546 2426
HB 136	43	47									68
HB 137	43	47	299	300	364	459	1044	2495	301 2433	459 2433	155 374 2433 2460 2483 2491
HB 138	46	52									79 436
HB 139	46	52									
HB 140	46	52	276	283	308	459	2292	2495	2392	459 2392	178 374 529 2392
HB 141	46	52									68 118 2426
HB 142	46	52	85	86	91	120	594	599		120	53 58 79 96 2426
HB 143	46	52	248	248	308	539	2374	2390	539 540	541	53 68 79 88 92 118 214

	Intro-duced	Re-ferred	Re-ported	Readings			Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 143 (Cont'd)											309
											367
											368
											436
											439
											455
											457
											525
											538
HB 144	46	52									883
HB 145	46	52	136	139	143	175	604	624		175	71
											78
											159
HB 146	46	52									79
											89
											309
											628
HB 147	46	52	288	292	364	528				528	143
											447
HB 148	46	52									68
											79
											2499
HB 149	46	52	1897	1898	1958						1045
											2172
HB 150	46	52	302	303	364	596	2374	2495	304	596	51
									2433	2434	164
											524
											541
											2433
HB 151	52	55	250	254	308	369				369	71
											363
											364
HB 152	52	55	730	730	809	959	2332	2495	735	959	628
									959	2394	832
									2393		884
											890
											2393
HB 153	52	55	988	990	1086						455
											1378
HB 154	52	55	1080	1084	1217	1699				1699	883
											1378
HB 155	52	55	71	71	87	119	594	2495	74	119	53
									2379	2379	55
											79
											88
											91
											118
											2379
HB 156	52	55	302	304	364	541	2352	2495	304	541	53
									541	2412	71
									2412		79
											214
											455
											524
											2412
											2426
HB 157	54	58	502	505	538	811	2332	2347	511	811	79
									811		92
											285
											628
											707
											716
											778

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 157 (Cont'd)											787 871
HB 158	54	58									147 601
HB 159	54	58	276	279	308	440			279	440	91 367
HB 160	54	58	266	266	308	459	1250	1402	266 459	460	71 79 88 372 374
HB 161	54	58									147
HB 162	54	58	647	647	710	814			650	814	99 308 722 809 884 1086
HB 163	54	58									1045 1297
HB 164	54	57									92
HB 165	54	58	299	301	364	539	2423	2506	301 539 2434	539 2434	143 455 524 2434
HB 166	54	58	299	301	364	528	2423	2495	2434	528 2435	79 143 240 309 443 2434
HB 167	54	58									147
HB 168	54	58	834	834	886	1300	2423	2507	1300 1301 2436	1301 2436	118 147 240 309 601 1030 1174 1218 1248 1400 1401 2211 2436
HB 169	54	58									1707
HB 170	54	57									92
HB 171	57	71	302	305	364	529	1410	1418		529	92 443 528
HB 172	57	70	255	255	308	438			256	438	155 363
HB 173	57	70	296	297	364	529	1173	1220		529	91 443 528
HB 174	57	70									1045
HB 175	57	71									
HB 176	57	71									
HB 177	57	70									
HB 178	68	70									218
HB 179	68	71	476	497	538	662	2332	2347	662	662	79 88 99

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 179 (Cont'd)											118 143 144 161 213 455 595 620 626 658
HB 180	68	71	136	139	143	621			302	621	92 164 207 302 524 541
HB 181	68	71									147 628
HB 182	68	71	302	305	364	596	2374	2390		596	178 524 541
HB 183	70	80									99
HB 184	70	81	136	140	143	176		370		176	92 159 364 373
HB 185	70	81	266	267	308	440			267	440	121 367
HB 186	70	81	476	500	538	710	2207	2210	501	710	308 620 662 1086
HB 187	70	81	645	645	710	872	2374	2507	646 872 2436	872 2436	143 789 829 2436
HB 188	70	81	849	849	886	1033	2374	2506	2437	1033 2438	462 941 2436
HB 189	70	81									
HB 190	70	81	178	179	213	243				243	155 215
HB 191	70	80									
HB 192	70	81									
HB 193	70	81									437 594
HB 194	80	91	743	743	809	960	2009	2032		960	368 832
HB 195	80	91									628
HB 196	80	91	1933	1933	1958						789 2172
HB 197	80	91									
HB 198	80	91									308
HB 199	80	91	502	502	538	625				625	178 546
HB 200	80	91	502	516	538	661	2374	2506	517 518 2439	661 2439	155 546 707 1045 2438
HB 201	80	91	258	260	308	526	1410	1418	261 526	527	178 374 436

	Intro-duced	Re-ferred	Re-ported	Readings			Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 201 (Cont'd)											455 526 529
HB 202	80	91	652	652	710	873	2374	2390		873	462 789
HB 203	80	91									
HB 204	80	91									309
HB 205	90	96									
HB 206	90	96	1062	1062	1217						722 1843
HB 207	90	96									719
HB 208	90	96	374	374	455	773			774	774	155 546 626 661 707 710
HB 209	90	96	612	612	658	782	1250	1402		782	178 709
HB 210	90	96	605	605	658	782	2129	2164		782	538 709
HB 211	90	96	608	608	658	815	1971	1976		815	155 308 442 722
HB 212	90	96	218	237	284	365			365	365	214 308 309 312 368 718
HB 213	90	96									
HB 214	90	96	652	653	710	1811	2343	2365	655 1373	1812	147 789 1045 1635 2426
HB 215	90	96	413	414	455	621	1743	2495	2395	621 2396	143 533 602 2395
HB 216	90	96	1309	1335	1400	1812	2432	2507	1354 1812 1813 1814 2462	1815 2463	161 890 1419 1635 1741 2427 2462
HB 217	90	96	821	823	870	1033	2391	2506	825 2439	1033 2440	311 941 970 1086 2439
HB 218	90	96									113 531 891
HB 219	90	96	821	827	870	963	1831	2506	827 2440	963 2442	113 311 886 962 971 2440
HB 220	90	96									144 218

	Intro-duced	Re-ferred	Re-ported		Readings		Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 221	95	114	652	655	710	877			877	877	214 789 829 874
HB 222	95	114									
HB 223	95	114									538
HB 224	95	114									
HB 225	95	114									161 871
HB 226	95	114									
HB 227	95	114	502	519	538	774			775	775	164 546 661 707 710
HB 228	95	114									309
HB 229	113	114	1309	1309	1400	1810	2332	2347	1707	1810	113 161 284 1094 1635 1690 1691 1741 2426
HB 230	113	114									442 773 2426
HB 231	113	114	606	606	658	815	2423	2495	607	815	308 722 2426
HB 232	113	114									
HB 233	114	143	806	807	870	962	2374	2390		963	594 886
HB 234	114	143	258	261	308	711	1929	1964	470 471 711	711	178 367 374 470 525 628 715 772 809
HB 235	114	143									
HB 236	114	143	791	791	870	963	2009	2032		964	594 886
HB 237	114	143									789 1042
HB 238	114	143	1375	1377	1400	1923			1377	1923	789 1842
HB 239	114	143	590	590	620	873	2207	2210	873	873	311 437 722 815 829
HB 240	114	142									
HB 241	114	142	288	293	364						155 207 524
HB 242	121	143	471	472	538	662	2009	2032		663	164 620
HB 243	121	143									
HB 244	142	155	575	575	620	712	2292	2495	2397	712	442

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 244 (Cont'd)										2398	628 2397
HB 245	142	155	288	294	364	659	2374	2390	295	659	218 533
HB 246	142	155									
HB 247	142	155	560	564	620	774	1410	1418	573	774	218 722 773 809
HB 248	142	155									538 883
HB 249	142	155									240
HB 250	142	155	590	590	620	964			591 964	964	368 829 832 960
HB 251	142	155	610	610	658	812			610	812 1032	309 709 887 961
HB 252	142	155									
HB 253	142	155	941	941	1029	1406	2332	2347	945 1406	1409	374 1045 1094 1220 1248 1692
HB 254	144	155	1738	1738	1802				1739		284 1094 1248 1298 1842 2156
HB 255	144	155									
HB 256	144	155	256	267	308	369	2374	2506	2442	369 2442	213 363 2442
HB 257	154	164	523	524	538	712	1410	1742	524	712	213 628 2426
HB 258	154	164									311
HB 259	154	164	502	503	538						309 709 941 1957 2126
HB 260	154	164									218
HB 261	154	164	530	530	538	2353			1736	2353	218 709 976 1957
HB 262	154	164	743	743	809	960	2374	2390	960	960	719 832 884
HB 263	154	164	647	650	710	874	2129	2164		874	308 789
HB 264	154	164	1016	1017	1086	1403	2432		1403	1403	207 214 601 1042 1174 1308 1419 1691

	Introduced	Referred	Reported	1st	Readings 2nd	3rd	Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
HB 265	154	164									368 525 595
HB 266	154	164	722	722	809	1032	2423	2495		1033	665 886 964
HB 267	154	164									
HB 268	154	164	770	770	809				771		594 829 1045
HB 269	154	164	447	447	524	661	2374	2506	2443	661 2443	284 546 2443
HB 270	154	164	1070	1070	1217						821 1843
HB 271	154	164	266	267	308	460	1250	1402	268	460	164 172 207 214 309 368 374
HB 272	154	164	801	801	870						665 976 1042
HB 273	154	164	800	800	870						628 886
HB 274	154	164									1045 2426
HB 275	154	164	1070	1073	1217						821 1251
HB 276	155	164									531
HB 277	155	164									538
HB 278	155	164									
HB 279	161	164									218 594
HB 280	161	164	609	609	658	815	1410	1418	609	816	213 218 722
HB 281	161	164	266	268	308	369	1173	1220		369	213 363 436
HB 282	161	164	266	268	308	440		961		440	213 367
HB 283	163	178	800	800	870	1034			801	1034	309 368 809 941
HB 284	163	178									309 368
HB 285	163	178	288	295	364	597	2030	2164		597	218 524 541
HB 286	163	178									
HB 287	163	178									214
HB 288	163	178									207 214
HB 289	163	178	1004	1004	1086	1917			1005 1917	1917	665 1094 1742
HB 290	163	178	1070	1073	1217						789 1843
HB 291	163	178									

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 292	163	178									284 531
HB 293	163	178	1070	1074	1217	1823	2423	2495	1823 1825	1825	628 1378 1741
HB 294	163	178									976
HB 295	163	178									
HB 296	163	178									538
HB 297	163	178	613	613	658	876			876	877	462 722 816 829 871
HB 298	163	178	447	448	524	663	1410	1418	449	663	368 620
HB 299	163	178	374	375	455	663	2207	2210		663	172 214 240 311 455 620
HB 300	177	212									
HB 301	177	213	613	613	658	782			613	783	309 709
HB 302	177	212									
HB 303	177	213									2501
HB 304	177	213	447	449	524	660	2332	2495	450 2398	660 2399	284 546 2398
HB 305	177	212	932	932	955						284 1378
HB 306	177	213									
HB 307	177	213	610	611	658	783				783	462 709
HB 308	177										368
HB 309	177	212									
HB 310	177	212									309 722 1707
HB 311	177	212	1251	1251	1400				1255 1260		601 1841 1843
HB 312	177	213	1070	1074	1217	1908	2343	2495	1908 2399	1908 2399	789 1741 1742 1803 1963 2399
HB 313	177	213	849	852	886				857		604 941
HB 314	177	212									601 1838
HB 315	212	218	1897	1898	1958						285 1045 2172
HB 316	212	218	612	612	658	783	1929	1964		783	442 709
HB 317	212	218	1382	1382	1690	1916	2374	2390		1916	710 1094 1742
HB 318	212	218	421	426	455	622	1929	2495	433 622 2387	622 2387	240 286 368

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 318 (Cont'd)											533
											542
											602
											626
											2387
											2426
											2427
HB 319	212	218	1154	1157	1218	1805	2207	2210	1165	1805	719
									1668		809
											821
											1251
											1742
HB 320	216	218									368
HB 321	216	218	1095	1095	1217	1700				1700	595
											604
											1378
HB 322	216	218									
HB 323	216	218									240
HB 324	216	218									
HB 325	216	218	976	976	1086	1301			976	1301	462
											1174
HB 326	216	218									1309
											2426
HB 327	216	218									309
											368
											719
											773
HB 328	216	218									773
											2426
HB 329	216	218	952	952	1029	1220	2009	2032		1220	442
											1045
HB 330	216	218									
HB 331	217	246	1154	1155	1217	1834	2352	2365	1155	1835	604
									1834		1251
											1706
											1741
											1838
											1906
											1963
											2211
HB 332	217	246	546	548	620	712	2374	2506	549	1836	285
									1641	1907	363
									1906	2446	368
									2443		437
											595
											628
											712
											719
											787
											830
											884
											955
											1038
											1042
											1742
											1804
											1841
											1905
											1906
											2443
HB 333	217	246									604
HB 334	217	246									368
											707
											722

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
HB 335	217	246									604 787 789
HB 336	217	246									442 821
HB 337	217	246	722	723	809	966	2374	2390		966	601 886
HB 338	217	246									
HB 339	217	246	1635	1635	1802	1923	2374	2390	1638 1923	1923	1042 1400 1741 1848
HB 340	217	246	606	607	658	783					309 709 783
HB 341	217	246									285 665
HB 342	217	246	645	647	710				647 1650		374 886 1042 2315
HB 343	217	246									309
HB 344	217	246									
HB 345	245	288	464	464	538	664	2207	2210	465	664	368 456 620
HB 346	245	288	791	792	870	967	2009	2032	793	967	628 886 2211
HB 347	245	288	1626	1628	1690	1916			1629	1916	665 1742 1841 2211
HB 348	245	288									665
HB 349	245	288	1382	1383	1690						821 1742 1967
HB 350	245	288	652	656	710	957	2129	2164		957	462 789 874 2426
HB 351	245	288									442
HB 352	245	288	502	519	538	661	2332	2506	2399	661 2400	309 602 620 658 2399
HB 353	245	288									
HB 354	245	288	642	642	710	1031			1031	1031	601 789 830 874 958 971
HB 355	245	288	449	450	524	812			812	876	368 709 812 871
HB 356	245	288	840	840	886	1089	2432	2507	1089 2467	1089 2467	709 976 1042 2467
HB 357	245	288									

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
HB 358	245	288	612	612	658	784	2009	2507	2414 2420	784 2421 2497	442 709 2289 2413 2427 2455 2460 2470 2496 2504
HB 359	245	288	628	629	710	1032	2207	2210	631 633	1032	368 789 840 874 890 958
HB 360	245	288	605	605	658	784	1835	2495	784 2400	784 2400	462 709 719 2400
HB 361	245	288									442
HB 362	246	288	647	651	710	874	2292	2321		874	442 789
HB 363	246	288	502	521	538	664	2292	2321		664	309 620 2426
HB 364	246	288									368
HB 365	246	288									1707
HB 366	246	288									442
HB 367	287	313	464	465	538	712	2352	2365		713	368 628 715
HB 368	287	313									722
HB 369	287	313	642	643	710	874	1410	1418		874	442 789
HB 370	287	313									455 719
HB 371	287	313									
HB 372	287	313	988	996	1086	1301	2374	2390	996	1301	524 1174
HB 373	287	314									832
HB 374	287	314	801	802	870				802		594 884 1174 1248 1400 1402
HB 375	287	313	546	549	620	713	2374	2390		713	442 628 714
HB 376	287	314									442
HB 377	287	313	575	584	620	778	2292	2321		778	442 628 713
HB 378	287	314	613	614	658	814	2008	2012		814	442 709
HB 379	287	313									832
HB 380	311	313	791	793	870	961	2009	2032		961	628 658 886 2211
HB 381	311	313									
HB 382	311	313	628	633	710	888	2374	2390	888	889	374

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 382 (Cont'd)											789
											830
											875
											884
											888
											2426
HB 383	311	313	575	589	620	778	2207	2210		778	442
											628
											713
HB 384	311	313	1175	1175	1297	1700	2374	2506	176	1700	722
									2446	2446	1378
											2446
HB 385	311	313									665
HB 386	311	313									1045
HB 387	311	313	1897	1898	1958						1045
											2172
HB 388	311	313									524
HB 389	311	313									
HB 390	311	313									437
HB 391	313	367									941
HB 392	313	367	846	846	886	1089	2352	2506	847	1090	787
									2447	2447	976
											2446
HB 393	313	367	560	574	620	872	2352	2507	574	873	538
									872	2401	722
									2401	2494	787
											830
											2401
											2450
											2460
											2470
											2491
											2493
											2494
HB 394	313	367	1983	1983	2012						1042
											2172
HB 395	313	367	610	611	658	816				816	462
											722
HB 396	313	367	791	793	870	967			794	967	604
											886
HB 397	313	367									787
HB 398	365	367	730	740	809	961	2009	2032		961	594
											832
HB 399	365	367	730	741	809	1034	2352	2365		1034	594
											1086
HB 400	366	367	988	996	1086						594
											1742
HB 401	366	367	952	952	1029	1220	1971	1976		1220	456
											789
											1045
											1218
											1400
											2426
HB 402	366	367									456
HB 403	366	367									368
											525
											772
HB 404	367	373	590	591	620	784	1250	1402		784	462
											709
											2426
HB 405	367	374	849	858	886	1093	2374	2507	864	1093	462
									1093	2447	971
									2447		976

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 405 (Cont'd)											1042 1090 2447
HB 406	367	373	464	466	538	778	1835	2506	467 779 2401	780 2404	374 437 626 628 707 713 2401
HB 407	371	374	806	807	870	1034	2009	2032		1034	531 941
HB 408	371	374	615	615	658				615		462 886
HB 409	371	374									594
HB 410	371	373									
HB 411	371	374	791	794	870	1035			794	1035	604 941
HB 412	371	373									
HB 413	371	374	1076	1076	1217	1923			1077	1924	722 1842
HB 414	371	374									787
HB 415	371	373									1634
HB 416	372	374	849	864	886	1090			867	1090	462 976
HB 417	373	443									
HB 418	373	443									594
HB 419	373	443	1148	1148	1217				1149		594 1635
HB 420	373	443	1196	1196	1297	1701	2423	2495		1701	722 1378 2508
HB 421	373	443									
HB 422	373	443									
HB 423	441	443	952	953	1029	1220	2374	2390		1221	789 1045
HB 424	441	443	1009	1016	1086	1403				1403	601 1174
HB 425	441	443									973
HB 426	441	443									
HB 427	441	443									
HB 428	441	443									
HB 429	441	443									
HB 430	441	443									1086 1218 1225 1400 1838
HB 431	441	443									
HB 432	441	443									456 628
HB 433	441	443									
HB 434	441	443									601
HB 435	442	443	642	643	710	875				875	594 789
HB 436	442	443									
HB 437	442	443									
HB 438	443	464	847	848	886						628 971 976 1419
HB 439	461	464	837	837	886	1090	2009	2032		1090	604 976

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
HB 440	461	464									665
HB 441	461	464	834	835	886	1090	2374	2390		1091	719 976
HB 442	461	464									
HB 443	461	463									707 883 2032
HB 444	461	464									722
HB 445	463	532	722	725	809	964			964	965	665 886 890
HB 446	463	532	801	802	870	965	2009	2032		965	604 886 2426
HB 447	463	532	801	802	870	965	2009	2032		965	604 886 2426
HB 448	463	532	801	802	870	966	2423	2495	2448	966 2448	604 886 2423 2447
HB 449	463	532	1095	1096	1217	1405	2391	2426	1097	1405	604 1251 2426
HB 450	463	532	801	803	870	966	2009	2032		966	604 886
HB 451	463	532									
HB 452	463	532									
HB 453	463	532									604
HB 454	463	532									
HB 455	463	532									719
HB 456	463	532									
HB 457	463	532	932	932	955						665 1378 1906
HB 458	530	532	988	996	1086	1302	2374	2390		1302	594 1174
HB 459	530	532									601
HB 460	530	532									883
HB 461	530	532									628 1838
HB 462	530	532	849	868	886				869		628 871 1251
HB 463	530	532	1095	1097	1217	1701			1101	1701	665 1378
HB 464	530	532									665
HB 465	530	532	1095	1101	1217	1924				1924	601 1842
HB 466	530	532									621 665
HB 467	530	532	2000	2000	2012				2001		594 2172
HB 468	530	532	1095	1101	1217	1924	2374	2390	1102	1924	538 665 1842
HB 469	530	532	652	657	710	2354			1737	2354	601 830 871 883 886 976 1957

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
HB 470	532	546	976	977	1086	1405	2207	2210		1405	719 773 1251
HB 471	532	546	722	725	809	968	2423	2495		968	665 886
HB 472	532	546	1080	1080	1217				1080		886 1842 2156
HB 473	532	546									601
HB 474	544	604	988	997	1086	1406	2374	2390		1406	821 1251 2426
HB 475	544	604									1309
HB 476	544	604	1382	1385	1690	1917	2374	2390		1918	821 1742
HB 477	544	604									
HB 478	544	604									665
HB 479	544	604									973
HB 480	544	604	801	803	870	1035			803	1035	658 665 941
HB 481	544	604	722	726	809	968	2374	2390		968	665 886
HB 482	544	604									722
HB 483	544	604	845	845	886	1091				1091	722 976
HB 484	544	604									
HB 485	544	604									658 1094
HB 486	544	604	1959	1959	2012						821 2172
HB 487	544	604									821
HB 488	544	604	1656	1656	1802						789 1976 2315
HB 489	544	604									821
HB 490	544	604									821
HB 491	544	604	976	977	1086	1299			979 1299	1300	628 1042 1086 1174 1402
HB 492	545	604	988	997	1086	1409				1409	789 1251
HB 493	545	604	1080	1085	1217				1085		722 883 1378 1420
HB 494	545	604	791	794	870	968	2009	2032		968	628 886
HB 495	545	604	1190	1190	1297				1195		787 1419 1843
HB 496	545	604	849	869	886	1035	2374	2390		1036	709 941
HB 497	545	604	1267	1267	1400	1811	2432	2506	1811 2467	1811 2468	719 1635 1741 2467
HB 498	545	604	845	845	886	1091	2129	2164		1091	976
HB 499	545	604	1148	1150	1217				1152 1938		722 1635 1804

	Intro- duced	Re- ferred	Re- ported	Readings 1st	2nd	3rd	Senate Message	En- rolled	Sub. or Amend	Voting	Other Action
HB 499 (Cont'd)											2289
HB 500	545	604	1003	1003	1086	1410				1410	772
											787
											1251
HB 501	545	604	1211	1211	1297	1701	2374	2390		1701	722
											1378
HB 502	545	604	1016	1017	1086	1302	2374	2390		1302	719
											1174
HB 503	545	604	2185	2185	2293						1933
HB 504	545	604	1382	1386	1690						787
											2126
HB 505	545	604									
HB 506	545	604	988	999	1086	1302			999	1302	722
											1174
HB 507	545	604									832
HB 508	545	604									
HB 509	545	604									787
HB 510	545	604									722
HB 511	545	604									
HB 512	545	604									
HB 513	545	604									
HB 514	545	604	988	999	1086	1918	2423	2506	1918	1918	821
									2449	2449	1742
											1841
											2449
HB 515	545	604	840	841	886	1219	2374	2506	2449	1219	722
										2449	976
											1091
											2449
											2492
HB 516	600	604									787
HB 517	600	604	743	744	809	969	2008	2012		969	665
											871
											886
											955
											1086
											2426
HB 518	600	604									955
											1707
HB 519	600	604	1068	1068	1217	1410	2374	2495	2449	1410	789
										2450	1251
											2449
											2461
											2488
HB 520	600	604	1062	1064	1217						973
											1086
											1843
HB 521	600	604									832
HB 522	600	604									
HB 523	600	604	837	837	886	1092	2423	2495		1092	628
											976
HB 524	601	604									
HB 525	601	604									789
HB 526	601	604	1295	1295	1400	1919	2374	2390		1919	722
											1742
HB 527	601	604	849	868	886						658
											787
											871
											1251
HB 528	601	604	1004	1005	1086	1410	2391	2426	1005	1410	891
											1251
HB 529	601	604									

	Intro-duced	Re-ferred	Re-ported	Readings			Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 530	601	604	1267	1267	1400	1924			1268 1925	1925	658 665 1841 1842
HB 531	601	604	932	933	955	1221	2423	2495	934	1221	658 665 1045
HB 532	601	604	932	934	955	1701			935		1378 1702
HB 533	601	604	1737	1737	1802	1968				1969	821 1400 1842
HB 534	601	604	832	832	886	1221	2374	2426		1221	722 1045
HB 535	601	604	988	1000	1086				1001		821 1378 1702
HB 536	603	628									787
HB 537	603	628									973
HB 538	603	628									1297 1400 2426
HB 539	603	627	952	953	1029	1221	2009	2032	1222	1222	891 1094
HB 540	603	627	832	833	886	1222	2207	2210		1222	658 722 887 1045
HB 541	603	628	1677	1677	1802	1925				1925	1173 1842
HB 542	603	628									1042
HB 543	603	628									
HB 544	603	628									722
HB 545	603	628	1205	1205	1297	1702	2374	2426		1702	1042 1378 1419
HB 546	603	627	1188	1188	1297	1908	2432	2507	1908 1910 1912 1913 2461	1914 2462	719 890 1308 1378 1379 1419 1742 1791 1841 1910 2461
HB 547	603	628	743	746	809	1087	2343	2365	1087	1088	709 886 969 971 1033
HB 548	603	627	770	771	809	969	2374	2426		969	665 886
HB 549	603	628	840	842	886	1222	2374	2507	2450 2479	1222 2480	722 1045 2450 2451 2469 2479
HB 550	603	628	840	844	886	1303	2009	2032	1303	1303	722 884 1174 1400

	Intro-duced	Re-ferred	Re-ported		Readings		Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 551	603	628	847	848	886						719 1251 1297 1309
HB 552	625	628	844	844	886	1036	1971	1976	1036 1037	1037	709 773 941 971 1036 1042
HB 553	625	628	1267	1268	1400						973 1977
HB 554	625	627									
HB 555	625	628	1267	1273	1400	1815	2343	2365	1281	1815	719 1635
HB 556	625	628									1030
HB 557	626	628									787
HB 558	626	628									871 891
HB 558	626	628									871 891
HB 559	626	627	976	979	1086	1703	2423	2495		1703	883 1378
HB 560	626	627									
HB 561	626	628									832
HB 562	627	709									722 1420
HB 563	627	709	837	839	886						787 1045 1223 1400 2013
HB 564	627	709									1225
HB 565	627	709	1260	1260	1400						821 1976 2315
HB 566	627	709	1205	1205	1297	1809			1206 1809		821 1378 1741 1810
HB 567	627	709	941	949	1029	1223	2030	2495	951 2404	1223 2405	719 773 1045 1094 1247 2404 2427
HB 568	627	709	1743	1748	1905	1973			1749	1974	973 1957
HB 569	627	709	1205	1206	1297						821 1741 1957
HB 570s	664	709	988	1001	1086	1403	2343	2365		1404	821 1174
HB 571	664	709									
HB 572	665	709									976
HB 573	665	709	1070	1074	1217	1411	2374	2426		1411	821 1251 1419
HB 574	665	709									
HB 575	665	709									722
HB 576	665	709	1045	1046	1217	1411	2129	2164	1047	1411	787 1251
HB 577	665	709									787

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
HB 578	665	709	1364	1364	1400	1815	2374	2507	1364 2451	1815 2451	787 1635 2451
HB 579	665	709	1045	1047	1217	1412	2207	2210	1049 1412	1414	787 1248 1251
HB 580	665	709									
HB 581	665	709	1749	1749	1905	2157				2157	973 1957
HB 582	665	709	1003	1004	1086	1412				1412	722 1251
HB 583	708	721									
HB 584	708	721	1076	1077	1217				1078		973 1843
HB 585	708	721									809 821
HB 586	708	721									871 883 1086
HB 587	708	721									871 1086
HB 588	708	721	1154	1154	1218	1414					871 883 1086 1251 1298 1414
HB 589	708	721	1154	1155	1218	1414				1414	871 883 1086 1251 1298
HB 590	708	721	1154	1154	1218						871 883 1086 1251 1298 1932
HB 591	708	721	1154	1156	1218	1415				1415	871 883 1086 1251 1298
HB 592	708	721									871 1086
HB 593	708	721	1154	1156	1218	1415				1415	871 883 1086 1251 1298
HB 594	708	721	1154	1156	1218	1415					871 883 1086 1251 1298 1415
HB 595	708	721	1154	1156	1218						871 883 1086 1251 1298 1932

	Intro-duced	Re-ferred	Re-ported		Readings		Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 596	708	721	1154	1156	1218						871 883 1086 1251 1298 1932
HB 597	709	721	1154	1156	1218						871 883 1086 1251 1298 1932
HB 598	709	721	1154	1156	1218						871 883 1086 1251 1298 1932
HB 599	718	721	1009	1009	1086	1404	2332	2495	1012 2405	1404 2406	883 1174 2405
HB 600	718	721									
HB 601	718	721									
HB 602	718	721	988	1002	1086	1306	2332	2347	1306	1306	821 1042 1174
HB 603	718	721	834	835	886	1092	2374	2507	836 2452	1092 2453	787 976 2452
HB 604	719	721									
HB 605	719	721	1068	1068	1217	1416	2423	2495	1069	1416	891 1251
HB 606	719	721									2501
HB 607	720	789	1424	1426	1690	1805	2374	2426	1626	1806	1042 1742
HB 608	720	788									976
HB 609	720	788	1016	1020	1086	1303	2332	2347	1303	1304	883 890 1174
HB 610	720	788									941
HB 611	720	789	1626	1629	1690	1918				1918	1095 1742
HB 612	720	788									
HB 613	720	788	1175	1176	1297						809 1042 1218 1957
HB 614	720	788									1086 1218
HB 615	720	788									
HB 616	720	788	937	937	955	1092	2332	2495	2407	1092 2409	821 887 976 2407
HB 617	720	789	1295	1296	1400	1815	2374		2453	1816 2454	891 971 1635 2453
HB 618	720	788	1062	1065	1217	1416	2374	2426		1416	973 1251
HB 619	720	788									
HB 620	720	789									
HB 621	720	788	952	953	1029	1223	2332	2347		1223	832 1045

	Intro-duced	Re-ferred	Re-ported	Readings			Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 622	720	789	1205	1207	1297	1702	2343	2365	1208 1702 1703	1703	832 1378 1419 1707 1838
HB 623	721	789	1004	1006	1086	1304	2374	2507	1007 2454	1304 2454	832 1174 1297 1400 2454
HB 624	721	789									973 1218
HB 625	721	788	1364	1366	1400	1816	2332	2347	1373	1816	883 1635
HB 626	721	788	1045	1049	1217	1416	2292	2321		1416	883 1251
HB 627	721	788	1260	1261	1400	1816	2332	2347	1267	1816	883 1635
HB 628	721	788	988	1002	1086	1304	2352	2495	2407	1304 2407	821 1174 1400 2406
HB 629	721	789	1070	1075	1217						821 1251 1418
HB 630	721	788									
HB 631	785	789									
HB 632	785	788	976	979	1086	1922				1922	883 1174 1305 1802 1804
HB 633	785	788									1042
HB 634	785	789	1226	1226	1297	1810	2008 2423	2507	1247 2455	1811 2032 2458	821 1378 1967 2032 2423 2455
HB 635	785	788									832
HB 636	785	788									
HB 637	785	788									
HB 638	786	788	1045	1061	1217	1704	2391	2507	2458	1704 2460	821 1378 2458 2508
HB 639	786	788									891
HB 640	786	789	1095	1102	1217	1417				1417	1251 1420
HB 641	786	789									
HB 642	786	788	1009	1012	1086						821 1174 1690
HB 643	786	788	1784	1784	1905	2028	2374	2426		2028	973 1957 2211 2508
HB 644	786	789	1677	1677	1802	1925	2374	2426	1925	1926	883 1842 1932 1963
HB 645	786	788									1094
HB 646	786	788	1667	1667	1802	1926				1926	831 1842

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
HB 647	786	789	1095	1103	1217	1418				1418	883 1251
HB 648	786	789	1095	1103	1217	1418				1418	883 1251
HB 649	788	832									941
HB 650	788	832	1267	1268	1400	1926	2374	2426		1926	891 1842
HB 651	788	832	1424	1424	1690	1805	2374	2426		1805	976 1742
HB 652	821	832									871
HB 653	821	831									871
HB 654	821	831									1045
HB 655	821	831	1382	1390	1690						891 2126
HB 656	821	832									891
HB 657	821	831	952	954	1029	1926	2374	2426	1676	1927	891 1378 1400 1418 1842
HB 658	821	831									976
HB 659	821	831	1650	1650	1802	1931	2423	2495		1931	871 976 1842
HB 660	831	886	1095	1104	1217	1806	2374	2426		1806	891 1251
HB 661	831	886	1095	1107	1217	1806	2374	2426	1807 1808 1809	1809	891 1248 1251 1741 1804 1841
HB 662	831	885									
HB 663	831	886									
HB 664	831	886									
HB 665	831	885	1190	1195	1297	1417	2332	2347		1417	887 973 1378
HB 666	831	886									871
HB 667	880	886									1634
HB 668	880	885									
HB 669	880	885									
HB 670	880	885									976
HB 671	880	885	2172	2178	2293						1420
HB 672	880	886									
HB 673	880	886	1756	1756	1905						2172
HB 674	880	885									976
HB 675	880	886	1095	1107	1217	1817	2391	2426	1817	1820	891 1635 1741
HB 676	880	885	1364	1364	1400	1820	2374	2426		1821	891 1635
HB 677	880	886									
HB 678	880	885									891
HB 679	880	886	1933	1934	1958						1086 1400 2172
HB 680	880	885									
HB 681	880	885									1225
HB 682	880	885									973
HB 683	880	886	1211	1212	1297	1704	2391	2495	1215 1915 2413	1706 1915 2413	891 1378 1704

	Intro-duced	Re-ferred	Re-ported		Readings		Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
											1706 1741 1804 2413
HB 684	881	885	1196	1198	1297	1704	2374	2426		1704	941 1378
HB 685	881	886									1707
HB 686	881	885	1355	1356	1400	1821	2352	2495	1360 1363 1821 1822 2409	1822 2410	973 1308 1635 1742 2409
HB 687	881	885									
HB 688	881	885									973
HB 689	881	885									
HB 690	881	885									887 955 973 1030
HB 691	881	885	1651	1651	1802						887 955 973 1030 2172 2211
HB 692	885	941									1095
HB 693	885	941	1190	1195	1297	1705	2332	2347		1705	973 976 1378
HB 694	885	940	1016	1029	1086						887 973 1742
HB 695	885	941									
HB 696	885	940									1042
HB 697	890	941									1042
HB 698	890	941	1626	1629	1690	1927				1927	1042 1842
HB 699	890	941	1677	1678	1802	1927				1927	1095 1842
HB 700	890	941									973
HB 701	890	941	1877	1878	1958						1634 1804 2172
HB 702	890	941	1900	1900	1958	2030	2374	2426	1901	2030	973 1976
HB 703	890	941	1750	1751	1905						1225 2172
HB 704	890	941	1650	1650	1802	1931	2374	2426		1931	976 1842
HB 705	890	940	1897	1899	1958						956 976 1030 1086 2172
HB 706	890	940									1030
HB 707	891	941									1042
HB 708	891	941									
HB 709	891	940	1642	1643	1802						1250 1976 2315
HB 710	891	941	1190	1195	1297						973 1378 1402

	Intro-duced	Re-ferred	Re-ported		Readings		Senate Message	En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 711	891	940									1042
HB 712	940	973									
HB 713	940	973	1626	1630	1690	1919	2374	2506	1919 2463	1920 2463	973 1742 1841 2463
HB 714	940	973	1211	1215	1297	1705				1705	955 973 1378
HB 715	940	973									
HB 716	940	973	1987	1987	2012						1225 2172
HB 717	940	973	1267	1268	1400	1822	2352	2495	1822 2411	1823 2411	973 1030 1086 1309 1419 1635 1742 2411 2426
HB 718	940	973	1382	1391	1690	1920	2432	2506	2464	1921 2464	1042 1742 2464
HB 719	940	973									1418
HB 720	940	973									
HB 721	971	975	1750	1751	1905				1751		1225 2172
HB 722	971	975	1642	1643	1802	1927	2374	2426		1928	1250 1842
HB 723	971	975									
HB 724	971	975									
HB 725	971	975									
HB 726	971	975	1756	1756	1905						1309 1841 2172
HB 727	971	975	1375	1376	1400	1825	2374	2426		1825	1174 1247 1635
HB 728	971	975	1765	1765	1905						1420 2172
HB 729	971	975	1651	1652	1802				1653		1095 2172
HB 730	972	975									
HB 731	972	975									1045
HB 732	972	975									1297 1418 1905
HB 733	972	975									1309
HB 734	972	975	1862	1862	1958						1420 2172
HB 735	972	975	1382	1393	1690						1030 1042 1218 1742 2156 2499
HB 736	972	975									
HB 737	972	975									
HB 738	972	975									
HB 739	972	975									
HB 740	972	975									
HB 741	972	975									
HB 742	972	975									1042

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 743	972	975	1933	1935	1958						1086 1400 1976 2315
HB 744	972	975									1030 1838
HB 745	972	975	1761	1763	1905	1975	2391	2507	2465	1975 2466	1045 1957 2464
HB 746	972	975									1086
HB 747	975	1044									
HB 748	975	1044									1692
HB 749	975	1044									1086
HB 750	1041	1044	1626	1630	1690				1632		1174 1841 2126
HB 751	1041	1044									
HB 752	1041	1042	1196	1198	1297	1705	2374	2506	2464	1705 2464 2480	1042 1378 2463 2480
HB 753	1041	1044									
HB 754	1041	1044									1225
HB 755	1041	1044									1095
HB 756	1041	1044									1707
HB 757	1041	1044	1642	1644	1802	1928	2374	2426		1928	1250 1842
HB 758	1041	1044	1355	1356	1400	1831				1831	1225 1635
HB 759	1041	1044	1750	1751	1905				1752		1225 1932 2172
HB 760	1094	1173	1382	1394	1690	1831	2352	2495	2412	1831 2412	1247 1309 1742 2412 2460 2468 2494
HB 761	1094	1173	1375	1375	1400	1831				1831	1247 1635 2426
HB 762	1094	1173									
HB 763	1225	1250									
HB 764	1225	1250	1985	1985	2012						1804 1838 2172
HB 765	1225	1250									
HB 766	1225	1225	1420	1420	1690	1914	2343	2365	1424 1914	1915	1225 1742 1932
HB 767	1225	1250									
HB 768	1250	1379									
HB 769	1309	1379									
HB 770	1309	1379									
HB 771	1379	1420									1707
HB 772	1379	1420									
HB 773	1419	1634									1838 1841
HB 774	1419	1634									1838
HB 775	1634	1707									
HB 776	1706	1743									

HISTORY OF HOUSE RESOLUTIONS

(Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated HJR; concurrent resolutions are designated HCR.)

		Introduced	Referred	Reported	Readings			Adopted	Senate Message	Enrolled	Voting	Other Action
					1st	2nd	3rd					
HR	1	9						10				
HR	2	9						9				
HR	3	10						21				
HR	4	26						31				
HJR	5	26	44	136	140	143	209			961	209	32 71
HJR	6	41	44	616	618	658						164 178 619 722
HCR	7	41	44	299	301	364	622		2332	2347	623	44 79 155 302 533 623
HCR	8	57	71									442 531
HR	9	57	164	801	803	870	970					442 886 970
HCR	10	57	70									
HR	11	67						67				
HCR	12	68	70	81	82	91	120		710	713	120	78 79 88 91 96 118 120 713
HJR	13	68	71	642	644	710	1087					144 368 601 644 789 875 958 1032 1086 1087
HR	14	80	91	613	615	658	817	817				87 594 722
HJR	15	80	91	112	112	116	144		210	211	144	99
HJR	16	95	114	606	607	658	817		2374	2426	817	121 309 722 871 884
HCR	17	95	114	1095	1138	1217	1692				1693	787 1248 1251 1693
HR	18	95						97				
HR	19	95						97				

		Introduced	Referred	Reported		Readings		Adopted	Senate Message	Enrolled	Voting	Other Action
					1st	2nd	3rd					
HJR	20	95	114	502	504	538	713		2129	2390	713 2352	155 628 2205 2207 2210 2340 2341 2347 2348 2349 2350 2351 2352 2372 2499 2508
HR	21	114	142	464	467	538	780				780	172 628 713 773
HR	22	114						117				
HR	23	117						117	133			
HJR	24	142	155									213 455
HR	25	142						143				
HCR	26	142	155	178	178	213	285				286	155 215 243 286
HR	27	155	164	302	306	364	597	597				243 284 306 312 524 541 597 602
HR	28	155	164	303	306	364	597				598	284 524 541
HCR	29	155	164	647	652	710		875	2207	2210		531 789
HR	30	160						160				
HR	31	163	178									
HR	32	164	178									309
HCR	33	177	212	288	295	364	598				598	218 368 524 541 598 602
HJR	34	210	210	211	211	213	243		367	370	243	210 214 215 373
HJR	35	212	218	1095	1138	1217	1921				1921	214 594 1378
HR	36	217	246	303	307	364	598				598	284 524 541
HR	37	246	288									462

		Introduced	Referred	Reported	Readings 1st	2nd	3rd	Adopted	Senate Message	Enrolled	Voting	Other Action
HR	38	246	288	1267	1271	1400	1832				1832	285 973 1635 1802
HR	39	287						308				
HR	40	372	374									442
HR	41	372	374	502	504	538		595				455 461 546 595
HJR	42	372	373									1086
HR	43	373	443	1095	1217							436 437 456 531 1635 1842
HR	44	443	464	801	804	870	970	970				594 886
HCR	45	462	464	1205	1208	1297	1832				1832	594 1635
HR	46	462	464	1784	1784	1905	2207	2208				883 1976
HR	47	462	464	652	657	710	875				875	594 787 789 875
HR	48	530	532	1095	1139	1217	1693				1693	601 1251
HCR	49	545	604	1749	1750	1905	2319				2319	1225 2172 2289
HCR	50	546	604	1062	1065	1217	1693				1693	883 1251 2340 2426
HR	51	546						595				
HJR	52	546	604	840	844	886	1698				1698	722 1251
HR	53	601	604	801	804	870	970	970				628 886
HCR	54	601	604	1205	1208	1297	1967					628 658 1742 1967
HR	55	604						621				
HCR	56	604	628	849	869	886	1305		2332	2347	1305	787 1174
HJR	57	626	627									
HJR	58	626	628									
HR	59	626	628									
HJR	60	627	709	1784	1785	1905						1786 2172
HJR	61	627	709	951	951	1029	1223		2374	2426	1224	789 890 951 1045
HCR	62	709	721									
HCR	63	721	788									
HCR	64	786	788									
HR	65	772						772				
HR	66	786	789	1154	1157	1218	1805				1805	821 1157 1251

		Introduced	Referred	Reported		Readings		Adopted	Senate Message	Enrolled	Voting	Other Action
					1st	2nd	3rd					
HCR	67	786	788	1743	1743	1905	2021		2432	2506	2021 2468	1976 2468
HCR	68	786	789	1154	1156	1218	1805				1806	941 1251 1707
HCR	69	786	788									832
HCR	70	786	789	1095	1139	1217	1699		2423	2495	1699	883 1251
HCR	71	786	789	1205	1209	1297	1832		2423	2495	1832	941 1635
HCR	72	786	788	952	954	1029		1224	2423	2495		832 1045
HCR	73	786	788	1196	1199	1297	1832		2423	2495	1833	941 1635
HJR s	74	788	832	1677	1680	1802	1928		2423	2506	1928 2467	1247 1842 2466
HR	75	788	832	1095	1140	1217						886 1140 1843
HR	76	788	831									891 1218
HR	77	788	832									
HJR	78	821	831	1175	1187	1297	1833		2374	2426	1833	1635
HJR	79	831	885	988	988	1086	1928		2374	2426	1929	891 990 1248 1251 1692 1736 1841 1842 1929
HCR	80	881	885	2000	2001	2012						887 973 2172
HCR	81	881	886	1737	1737	1802	1930				1930	1247 1842
HJR	82	881	885									1247
HCR	83	881	885	1382	1396	1690	1921		2423	2495	1921	973 1742
HCR	84	881	886	1205	1209	1297	1967	1968				886 1742 1932 1967
HCR	85	885	941	2045	2045	2155	2320				2320	2012 2172
HJR	86	891	941	1295	1296	1400	1833		2374	2426	1833	976 1297 1635
HCR	87	940	973	1205	1210	1297	1834				1834	1095 1635
HCR	88	940	973	1205	1210	1297	1930		2374	2426	1930	1042 1635
HJR	89	972	975	1677	1680	1802	1930				1930	1095 1400 1842
HCR	90	972	975	1765	1766	1905						1095 2172
HJR	91	972	975	1175	1187	1297						1957 1974
HCR	92	972	975									1742
HJR	93	972	975									

		Introduced	Referred	Reported	Readings 1st	2nd	3rd	Adopted	Senate Message	Enrolled	Voting	Other Action
HCR	94	972	975	1154	1155	1217	1805				1805	1042 1251 1757
HR	95	1041	1044	1756	1757	1905	1974	1974				1250 1957
HJR	96	1041	1044	1784	1786	1905	2020		2374	2426	2020	1094 1957 1976 2020
HR	97	1041	1044									
HR	98	1030						1030				1030
HCR	99	1041	1044	1382	1396	1690	1921				1921	1086 1247 1742 2340 2426
HCR	100	1041	1044	1784	1787	1905						1086 1420 2172
HCR	101	1041	1044									
HCR	102	1044	1173	1677	1678	1802	1930		2374	2426	1931	1247 1842
HCR	103	1044	1173									1174
HR	104	1086						1086				1086 1218
HCR	105	1173	1250	1677	1679	1802						1418 1841 1842 1906
HCR	106	1173	1250									1838
HR	107	1218						1218				
HJR	108	1225	1250									
HR	109	1297						1297				
HR	110	1309	1379	1985	1986	2012	2320				2320	2172
HCR	111	1379	1420	1677	1679	1802	1931				1931	1418 1842
HR	112	1379						1401				
HCR	113	1419	1634									
HCR	114	1634	1707	1756	1758	1905	2021				2021	1976
HR	115	1634						1691				
HCR	116	1706	1743	1844	1859	1958	2020		2374	2426	2020	1706 1838 1976
HCR	117	1707	1743	1979	1979	2012						1838 2343
HCR	118	1707	1743									1706
HR	119	1707						1803				
HR	120	1707	1743									1690
HR	121	1707	1743	2045	2045	2155	2317	2318				1962 2172
HCR	122	1707	1743									
HCR	123	1707	1743									
HR	124	1838	1844									1905
HR	125	1933	1958			2293						
HR	126	1958						1963				
HR	127	1958	2008	2346	2346	2374	2488				2488	2171
HR	128	1958	1977	2011	2011	2155	2487				2488	2009 2127 2209 2373
HR	129	2126	2212					2341				2289 2340
HR	130	2129	2212	2343	2343	2374		2505				2504

		Introduced	Referred	Reported	Readings			Adopted	Senate Message	Enrolled	Voting	Other Action
					1st	2nd	3rd					
HR	131	2211	2373					2429	Rejected			2429
HR	132	2211										2293 2294
HR	133	2211	2373					2505				2505
HR	134	2210						2210				
HR	135	2294						2294				
HR	136	2343	2373					2505				2505
HR	137	2343						2427	Rejected			
HR	138	2373						2431				
HR	139	2374										
HR	140	2499						2499				
HR	141	2498						2498				
HR	142	2500						2500				
HCR	144											1706

HISTORY OF SENATE BILLS

(Numbers refer to page of House Journal. The text of a bill is given on first reading.)

		Senate Message	Re-ferred	Re-ported	Readings			En-rolled	Sub. or Amend	Voting	Other Action
					1st	2nd	3rd				
SB	1	133	142	628	633	710	879	955		880	374 789
SB	3	1173	1250								1308
SB	7	178	213								
SB	8	116	143	533	533	594	714	810		714	309 628 715
SB	9	116	143	533	533	594	714	810		714	309 628 715
SB	11	116	143	533	533	594	714	810		714	309 628 715
SB	12	116	143	533	533	594	715	810		715	309 628 715
SB	13	710	721	1743	1744	1905	2023	2164		2023	1707 1957
SB	14	116	143	533	534	594	715	810		715	309 628
SB	15	116	143	533	534	594	715	810		715	309 628
SB	16	373	443	2043	2044	2155	2320	2347		2320	1707 2172
SB	17	116	143	645	647	710	879	955		879	374 789
SB	18	116	143	533	534	594	716	810		716	309 628
SB	19	116	143	533	534	594	878	955		878	309 628 716 810 829
SB	20	116	143	533	535	594	1306	1409		1306	309 628 716 810 1218 1248
SB	21	164	178	533	535	594	1306	1409		1307	309 628 716 810 1218 1248
SB	22	367	373	2042	2042	2155	2324		2324 2325	2325	890 1707 2172 2289 2341
SB	23	96	114	257	257	308	370	456		370	213 363
SB	24	96	114	257	258	308	370	456		370	213 363

		Senate Message	Re-ferred	Re-ported		Readings		En-rolled	Sub. or Amend	Voting	Other Action
					1st	2nd	3rd				
SB	25	154	164	533	535	594	1307	1409		1307	309 628 716 810 1218 1248
SB	26	217	246	533	536	594	1307	1409		1307	309 628 716 810 1218 1248
SB	27	96	114	533	536	594	1307	1409		1307	213 628 716 810 1218
SB	28	782	788	1743	1744	1905	2023	2164		2023	1707 1957
SB	29	96	114	257	258	308	441	527		441	213 367 1248
SB	31	133	143	533	537	594	1308	1409		1308	309 628 716 810 1218 1248
SB	32	373	443	2042	2042	2155	2337	2371		2337	1977 2172
SB	33	133	143	533	537	594	1039	1094	1039	1040	309 628 716 810 829 878 884 956 1040
SB	35	178	213	849	870	886	1224	1409		1225	787 1045 1094
SB	36	133	143	606	607	658	819	878		819	309 722 871
SB	37	133	143	642	645	710	879	955		879	601 789
SB	38	133	143	533	537	594	956		956		309 628 716 810 870 884 957
SB	39	154	164								309 2127
SB	40	133	143	606	608	658	819	878		819	309 722
SB	41	133	143	533	537	594	2481	2507	2481 2482 2483	2482	309 628 716 810 1218

		Senate Message	Referred	Reported	Readings			Enrolled	Sub. or Amend	Voting	Other Action
					1st	2nd	3rd				
SB	41	(Cont'd)									1248 2373 2424 2429
SB	42	133	143	533	538	594					309 628 716 810 1218 1249 2373
SB	43	178	212	443	445	524	599	659		599	309 533
SB	46	965	975								
SB	47	965	975	1743	1745	1905	2026		2026	2027	1932 1957
SB	48	831	885	2043	2044	2155	2325	2371		2325	1977 2172 2341
SB	49	178	212								309
SB	50	164	178	609	610	658	877	955		878	374 789
SB	51	55	58	239	239	284	528	594		528	115 443
SB	58	154	164	476	501	538	957	1038		957	284 628 716 810 829
SB	59	965	975	2285	2285	2293			2289		1095 2127 2209 2212 2341
SB	60	604	628	807	808	870	1093	1220		1093	789 941 1042 1088
SB	64	57	71	741	742	809	1038	1094		1038	374 886
SB	67	116	143	255	256	308	460	810	460	461	155 374 436
SB	68	212	218	464	467	538	817	1032	469	817	374 628 716
SB	69	116	143	447	450	524	600	1742	600	600	142 147 533
SB	70	831	886	1677	1681	1802	1969	2171		1969	941 1842
SB	71	532	546	1677	1682	1802	2018	2035		2018	709 1842
SB	72	721	788	1642	1645	1802	2328		2328 2332	2332	832 1842 1932 2008 2156 2315 2331 2490 2492 2495

		Senate Message	Re-ferred	Re-ported	Readings			En-rolled	Sub. or Amend	Voting	Other Action
					1st	2nd	3rd				
SB	73	(Cont'd)									2504 2505
SB	74	313	367	743	761	809	1038	1094		1038	665 886
SB	75	91	91	112	112	116	144	146		144	91 121 160
SB	76	212	218	421	433	455	542	1964	435	542 596	308 524 594 596 620
SB	77	164	178	502	523	538	817	878		818	214 628 716
SB	78	313	367	1095	1141	1217	1970	2012		1970	462 1843
SB	79	164	178	801	804	870	1038	1742	805 1039	1039	524 941 971
SB	84	212	218	464	469	538	820	878		820	374 709 818
SB	88	940	1044	1658	1658	1802			1664		1174 1419 1977
SB	90	217	246	791	795	870	1305	1409		1305	524 1174
SB	91	313	367	546	550	620	818	878		818	462 709
SB	92	532	546	1289	1289	1400	2156	2507	1293 1642 2156	2156	665 830 1635 1841 1842 1932 1976 2127
SB	93	367	373	546	552	620	818	878		818	462 709
SB	94	710	721	1004	1007	1086	1404	2371	1404	1404	832 1174 1308
SB	95	313	367	976	980	1086	1964	2506	1964	1965	601 1174 1419
SB	97	594	604	1784	1788	1905	2023	2164		2024	973 1957
SB	98	217	246	1196	1200	1297	1972	2506	1201	1972	973 1635
SB	100	2292	2373								
SB	101	313	367	464	469	538	818	878		818	374 709
SB	102	367	373	628	634	710	1836	2506	1211 1836 1972 2318 2319	1973 2319	462 789 871 883 1635 1742 1838 1841 1932 1964

		Senate Message	Re-ferred	Re-ported	Readings			En-rolled	Sub. or Amend	Voting	Other Action
					1st	2nd	3rd				
SB	102	(Cont'd)									2036 2127 2208 2450 2469
SB	104	164	178	443	445	524	716	955	716 717	718	309 602 626 628 707 772
SB	105	627	709								
SB	107	367	373	546	552	620	2024	2507	2024	2024	462 832 1957 2012 2127
SB	109	782	789	1677	1683	1802	1974	2012		1974	941 1842
SB	110	604	628	2039	2039	2155			2040		
SB	112	604	628	1677	1685	1802	1971	2012		1971	941 1842
SB	113	965	975	1677	1685	1802	1974 2170	2506	2170	1974 2170	1843 1976 2036
SB	114	463	532	1062	1066	1217	2013	2507	2013 2014 2015 2033	2017 2035 2461 2496	722 1378 1841 1932 1976 2033 2127 2432 2461 2469 2470 2490 2496 2507
SB	115	217	246	1211	1217	1297	1965	2012		1965	442 1635
SB	117	164	178	471	471	538	777	1032	777	778	374 620 664 707 710
SB	118	532	546	1076	1078	1217	1965	2506	1079	1965	722 1378
SB	119	1410	1634	2037	2037	2155	2356	2506	2039 2356	2357	2172 2289 2372
SB	123	367	373	1009	1014	1086	1417	1742		1417	594 1378
SB	124	831	886	1940	1940	1958	2031	2506	1941 2031	2031	886 1932 1976
SB	127	373	443								626 665
SB	131	367	374	1211	1217	1297	1966	2506	1966	1966	462 1308 1635
SB	132	313	367	590	591	620	819	878		819	462 722

	Senate Message	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	En-rolled	Sub. or Amend	Voting	Other Action
SB 133	885	941	1756	1758	1905	2024	2506	1759 2025	2026	1309 1841 1957
SB 134	710	721	1859	1859	1958	2157	2507	2157	2158	883 1976
SB 135	1929	1958	2129	2129	2293	2370	2495		2370	1977 2032 2343 2367
SB 136	885	941	2198	2198	2293	2422	2495		2422	2012 2127 2343
SB 138	1250	1379								2012 2127
SB 139	2129	2212								
SB 142	1173	1250								1309
SB 143	831	886	1791	1791	1905	2367	2506	1796 2367 2368	2369	886 2289 2341 2343 2373 2432 2461
SB 145	1379	1420								
SB 146	965	975								1042 1308
SB 148	710	721	1070	1075	1217					789 1308 1419 1843 1962 1977
SB 149	721	788	1175	1178	1297	1966	2506	1967	1967	891 1635 1842
SB 150	463	532	1677	1686	1802	1971	2012		1971	709 1843
SB 153	367	374	609	610	658	820	878		820	462 722
SB 155	1030	1044	1882	1882	1958	2158	2210	2158	2159	1309 1842 1976
SB 156	627	709								1173
SB 158	604	627	1175	1179	1297	2018	2035		2018	1042 1843
SB 162	367	374	1933	1935	1958	2160	2506	1936	2160	722 1976
SB 163	885	941	1677	1687	1802	1975	2506	1688	1975	1042 1843
SB 165	594	604	952	955	1029	1224	1409		1224	891 1045
SB 166	313	367	1267	1271	1400	2018	2035		2019	628 1843
SB 167	313	367	1677	1688	1802	1974	2012		1975	594 1843
SB 171	1250	1379	2221	2221	2293	2423		2221 2484	2486	2127 2343 2423 2429 2489
SB 172	532	546	791	795	870	2315	2347		2315	594 941 1094 1976

		Senate Message	Re-ferred	Re-ported	Readings 1st	2nd	3rd	En-rolled	Sub. or Amend	Voting	Other Action
SB	173	2009	2126	2196	2196	2293	2483	2507	2483	2483	2127 2341 2373 2429
SB	174	885	940	1844	1844	1958	2304	2507	2304 2334 2336	2336 2366	1309 1976 2127 2289 2306 2334 2338 2341 2366 2372
SB	175	831	885	1844	1851	1958	2161	2210		2161	1042 1976 2211
SB	177	532	546								
SB	178	831	886	1095	1141	1217					973 1843 2373
SB	179	1044	1173	1642	1648	1802	1970	2506	1649	1970	1309 1843
SB	181	604	628	800	801	870	1039	1094		1039	722 941
SB	182	831	885	951	952	1029	1224	1409		1224	891 1045
SB	183	721	973								1420 2127
SB	184	721	788	1382	1397	1690	1968	2012	1968	1968	883 1742 1842 2372
SB	185	940	973	1175	1180	1297	1835	1910		1835	1042 1635
SB	186	710	721	1656	1656	1802			1657		1042 2172
SB	187	965	975	1765	1766	1905	2028	2507	1767	2028	1707 1957 2484 2492 2504
SB	188	594	604	1877	1879	1958	2316	2347		2316	1309 1976
SB	191	965	975	1750	1752	1905	2160	2210		2160	1225 1957
SB	192	2129	2211	2214	2214	2293	2370	2506	2221 2370 2371	2371	2171 2172 2289 2343 2373 2468 2470
SB	193	1844	1958	2046	2046	2155	2358	2507	2358 2359	2359 2491	1976 1977 2172 2289 2341 2450 2469 2480 2491 2507

	Senate Message	Referred	Reported	1st	Readings 2nd	3rd	Enrolled	Sub. or Amend	Voting	Other Action
SB 198	604	628	1045	1061	1217	2019	2035		2019	722
SB 199	965	975								
SB 200	710	721	1267	1272	1400	2019	2035		2019	891 1842
SB 202	1379	1420	1877	1880	1958					1634 2343
SB 204	1929	1958	2212	2212	2293	2422	2495		2422	2208 2292 2343
SB 205	2009	2373								
SB 206	721	788	1877	1881	1958	2332	2371		2332	1042 1976
SB 207	965	975	1756	1761	1905	2032	2164		2032	1309 1957
SB 209	1030	1044	1658	1664	1802	1969	2012	1969	1970	1174 1742 1842 1843 2008
SB 214	885	941	1765	1768	1905	2160	2210		2160	1400 1957
SB 215	1379	1420	1765	1768	1905	2027	2506	1782 2027 2028	2027	1419 1634 1957 2027 2127
SB 216	965	975	1651	1653	1802					1309 2172
SB 217	1410	1634	2292	2292	2347					
SB 219	1410	1634	2042	2043	2155	2337	2371		2337	1838 2172
SB 222	885	941	1940	1941	1958	2162	2507	1944 2162 2321 2322	2323	1419 1707 1838 1976 2209 2289
SB 223	1379	1420	1859	1860	1958	2164	2506	2164 2328	2328	1634 1932 1976 2166 2290 2315
SB 224	831	886	1750	1754	1905	2333		2223	2333	1094 1842 1957 2009 2289 2450 2470 2494 2495 2501
SB 225	627	709	976	984	1086	1305	2507	988	1305	722 1174
SB 226	831	885	1936	1936	1958	2333	2495	2225	2333	973 1932 2171 2172 2289
SB 229	1410	1634	2121	2121	2155					1804 1838

		Senate Message	Re-ferred	Re-ported	Readings 1st	2nd	3rd	En-rolled	Sub. or Amend	Voting	Other Action
SB	229	(Cont'd)									2127 2341
SB	232	940	973	1289	1293	1400	2019	2035		2020	1042 1842
SB	233	885	941	2000	2002	2012					1173 2343
SB	234	2129	2211								
SB	236	782	788	1009	1016	1086	2021		2021	2022 2423	886 1419 1635 2036 2423
SB	237	1173	1250	1977	1978	2012			1979		1400
SB	241	2129	2212								2290
SB	242	1173	1250	1784	1788	1905	2029	2164		2029	1420 1957
SB	245	782	788	1196	1201	1297	2204	2506	1205	2333	941 1957 2204 2290 2315
SB	249	885	941	1190	1195	1297	2029	2164		2029	1042 1957
SB	251	1250	1379	2036	2036	2155	2494	2507	2037	2495	1977 2172 2290 2494
SB	252	782	789	1838	1838	1905	2201	2507	1839 1841 2202 2203	2204	1420 1932 1957 2127
SB	254	1044	1173	1789	1789	1905	2029	2164		2029	1420 1957
SB	255	1743	1842	1979	1979	2012	2316	2347		2317	1958 2126
SB	256	1410	1634	1940	1944	1958	2161	2210		2161	1838 1976
SB	257	1173	1250	1987	1988	2012	2170	2390		2361	1309 2126 2170 2209 2361
SB	258	1410	1634	2005	2006	2012	2317		2007	2317	1933 2126 2338
SB	259	1044	1173	1959	1959	2012	2204	2321		2204	1933 2126
SB	260	965	975	1761	1761	1905	1975	2012		1975	1309 1957 2008
SB	261	1173	1250	1862	1862	1958	2325	2507	2326	2327 2501	1420 1976 2161 2290 2315 2491 2501
SB	263	1831	1842	2009	2009	2155	2424	2495		2424	1977 2127 2172 2290
SB	264	1173	1250	1761	1762	1905	2314	2507	2314	2315	1420 1932

	Senate Message	Re-ferred	Re-ported		Readings		En-rolled	Sub. or Amend	Voting	Other Action
				1st	2nd	3rd				
SB 264	(Cont'd)									1957 1966
SB 265	2129	2212								
SB 266	1831	1842	2198	2200	2293	2495	2507		2495	1933 2373 2494
SB 268	1410	1634	2041	2041	2155	2337	2371		2338	1838 2172 2341
SB 269	1410	1634	2172	2172	2293					1958 2290 2341 2429
SB 270	1410	1634	2041	2042	2155	2505			2505	1838 2504
SB 272	1929	1958								
SB 273	1743	1842	2129	2135	2293	2361	2507	2147 2362 2364	2365	1933 2032 2127 2290 2341 2343 2373
SB 276	965	975	1765	1765	1905	2354	2506	2354 2355 2356	2356	1174 1932 1957 2290 2341 2450 2469
SB 278	1971	2008								2129
SB 279	1379	1420	1983	1983	2012	2207	2507	1984 2207	2207	1634 2126
SB 281	1929	1958	2129	2148	2293	2370	2507	2153 2370	2370 2503	1977 2032 2290 2341 2483 2492 2495 2496 2501
SB 283	1971	2008								
SB 284	1250	1379	1980	1980	2012	2170	2506	1983	2170	1958 1962 2126 2289 2290
SB 285	1379	1420	1789	1790	1905	2030	2164		2030	1957
SB 287	965	975	1651	1654	1802	2018	2035		2018	1042 1843
SB 288	1044	1173	2000	2002	2012	2323	2371		2324	1309 2126
SB 289	1962	2008	2046	2061	2155	2327	2506	2227 2284 2327 2360	2327 2360	2012 2127 2289 2290 2338 2341 2342 2373
SB 290	1929	1958	2122	2122	2155	2337	2371		2337	1977 2032 2172

		Senate Message	Re-ferred	Re-ported	Readings			En-rolled	Sub. or Amend	Voting	Other Action
					1st	2nd	3rd				
SB	291	1379	1420	1882	1885	1958	2161	2210		2161	1707 1976
SB	292	1379	1420	1882	1886	1958	2295	2347	2295	2304	1707 1932 1976 2290 2342
SB	293	1044	1173	2000	2003	2012	2171	2321		2171	1400 2126
SB	299	1743	1842	1940	1944	1958	2163	2507	1948 2488	2163 2489	1838 1976 2432 2461 2470 2488 2504
SB	301	1173	1250	2185	2188	2293	2421	2506	2192	2422	1977 2343
SB	304	1929	1958	2129	2153	2293	2358	2390		2358	1977 2032 2343
SB	305	1044	1173	1677	1689	1802	1971	2371	1971	1972	1308 1309 1843
SB	306	1971	2008	2221	2222	2293	2422	2495		2422	2171 2343 2429
SB	307	1831	1842	1940	1948	1958	2164	2210		2164	1976
SB	308	1379	1420	1882	1886	1958	2168	2210		2168	1707 1976
SB	309	1962	2007	2179	2179	2293	2359	2507	2181	2359	2127 2343
SB	311	1379	1420								
SB	312	1410	1634	1882	1891	1958	2306	2507	1897 2306 2313	2314	1838 1976 2290 2291 2313 2314
SB	314	1410	1634	2172	2173	2293	2486		2175 2177	2487	1958 2291 2342 2343 2487 2489 2507
SB	316	1044	1173	1985	1986	2012					1225
SB	317	2008	2009	2046	2116	2155	2365	2495	2365	2366	2012 2291 2342 2343 2372 2427 2489
SB	320	1971	2007	2009	2009	2155	2424	2507	2424	2425	2342 2343 2373
SB	323	2129	2212								
SB	324	1743	1842								1933
SB	328	1410	1634	1933	1936	1958	2166	2507	2166 2167	2166 2490	1707 1976 2008 2432

					Readings					
	Senate Message	Re-ferred	Re-ported	1st	2nd	3rd	En-rolled	Sub. or Amend	Voting	Other Action
SB 328	(Cont'd)									2461 2470 2483 2490 2491
SB 329	1410	1634	1940	1952	1958	2316	2347		2316	1838 1976
SB 331	1835	1844	1959	1961	2012	2208	2321		2208	1933 2126
SB 332	1379	1420	1859	1860	1958	2369	2495		2369	1634 2127 2343
SB 334	1929	1958	2046	2119	2155	2336	2371		2337	1977 2172
SB 335	1831	1842	1987	1988	2012	2171	2321		2171	1905 2126
SB 336	1831	1842	2005	2007	2012	2357	2509	2346	2357 2365	1933 2126 2343 2365
SB 337	1831	1842	1987	1994	2012	2205	2321	2205	2206	1905 2126 2127
SB 339	1410	1634	1882	1897	1958	2168	2210		2168	1976
SB 340	1831	1842	1987	1997	2012	2205	2507	2205	2205	1905 2008 2126
SB 341	2008	2009	2179	2181	2293			2182		2126 2291 2343
SB 344	1410	1634								1905
SB 345	2129	2212								
SB 346	1743	1842	2122	2124	2155			2126		1933 2291
SB 348	1379	1420	1953	1953	1958	2167	2506	1956 2167	2168	1419 1634 1742 1842 1976 2008 2127
SB 350	1410	1634	1897	1900	1958	2169	2210		2169	1838 1976
SB 353	1743	1842	2122	2123	2155			2124		1933
SB 354	2129	2211								
SB 355	2129	2212								
SB 356	1831	1842								1933
SB 357	2129	2212								
SB 358	1929	1958								2427
SB 359	1831	1842	2344	2344	2374			2345		1905
SB 360	1410	1634								1905
SB 363	2129	2212								

HISTORY OF SENATE RESOLUTIONS

(Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated SJR; concurrent resolutions are designated SCR.)

		Senate Message	Re-ferred	Re-ported	Readings 1st	2nd	3rd	Adopted	En-rolled	Voting	Other Action
SJR	5	627	709	1987	1987	2012	2317		2347	2317	1634 2126
SJR	17	594	604	1095	1140	1217					883 1843
SJR	19	885	940	1859	1861	1958	2169		2321	2169	1420 1976
SJR	21	1379	1420								
SJR	27	940	973	1784	1787	1905	2030		2164	2030	1094 1957
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